for the transaction of business, but should less than a quorum be present on the day appointed for a meeting, those present may adjourn from day to day or from time to time, until a quorum is present.

History.—56, ch. 14708, 1931; CGL 1936 Supp. 8534(6); 910, ch. 20260, 1941.

466.11 Power of board to administer oaths; issue subpoenas, service; penalty for refusing to obey subpoena or order.—Any board member or its executive director shall have the power to administer oaths, take affirmations of witnesses, issue subpoenas and send for persons or papers, and to compel the attendance of witnesses, the production of all necessary papers, books, records, documentary evidence and materials, in any hearing, investigation, accusation or other matter coming before the board. The sheriffs of the several counties of the state or other officers authorized to serve process shall serve any subpoena or other order issued by the board member or executive director of the board and shall receive for such service the fees provided for like service to be paid on certification of such member or authorized person from any funds in the hands of the board. If any person refuses to obey any subpoena, process or order issued by the board, the said board may certify this fact to the circuit court of the judicial circuit wherein such proceedings are being held and it shall be the duty of the court to require such person to appear before it and show cause why he should not be adjudged in contempt, and, if upon hearing, the court shall find such person to be in contempt the court shall deal with such person as provided in §466.42.

History.—57, ch. 14708, 1931; CGL 1936 Supp. 7712(1); 411, ch. 20240, 1941; 46, ch. 61-471; 55, ch. 67-409.

466.12 Assistant secretary-treasurer of board; duties.—The secretary-treasurer of the board, with the consent of the board, shall have the power to employ at his pleasure one or more persons as assistant secretary-treasurers, who need not be members of the board or practicing dentists. The assistant secretary-treasurers shall, in the name of the secretary-treasurer, be qualified to perform any of the duties of the secretary-treasurer in matters pertaining to the gathering of evidence in any violation of any of the provisions of this chapter, swearing out warrants, appearing before courts in prosecutions, and any other matters pertaining to the enforcement of the provisions of this chapter, but said assistant secretary-treasurer shall not be entitled to receive any witness or other fees out of the fine and forfeiture fund of any county on account of his testifying as a witness or any other services rendered by him under this chapter.

History.—48, ch. 14708, 1931; CGL 1936 Supp. 466.9(1); 12, ch. 20260, 1941; 4, ch. 57-161.

466.13 Applicants to file applications under oath.—Every person who desires to practice dentistry within the state shall file with the secretary-treasurer of the board his written application for a license, and furnish satisfactory proof that he is at least twenty-one years of age and of good moral character, that he is a citizen of the United States or has legally declared his intention of becoming a citizen, and that he is a graduate of an accredited dental school or college as defined by the council on dental education of the American Dental Association or is a graduate of a dental school or college approved by the board. Such application must be upon the form prescribed and furnished by the board and verified by the oath of the applicant, accompanied by the required fee and a recent unmounted, autographed photograph of the applicant. Graduates of foreign dental colleges or schools not approved by the board shall furnish evidence of achievement of a score on the examination of the National Board of Dental Examiners at least equal to the minimum score required for certification by that board, and shall exhibit manual skills on a laboratory model to the satisfaction of the board before being eligible for the examination. The board may deny examination of a candidate who has been found mentally or physically unqualified. The board is hereby authorized to adopt such further rules in regard to the qualifications of applicants for examination, not in conflict with this section, as it from time to time may deem necessary and proper.

History.—19, ch. 14708, 1931; CGL 1936 Supp. 3534(9); 113, ch. 20240, 1941; 87, ch. 61-471; 81, ch. 71-146; 81, ch. 72-185.

466.14 Examinations; license certificates.—

(1) When the board finds that the application and accompanying proof submitted by any person pursuant to §466.13, is satisfactory, it shall notify the applicant to appear before it for an examination at a time and place to be fixed by it. The examination shall be oral, visual, written, theoretical, practical, clinical, professional evaluation and of such a character as to thoroughly test the qualifications of the applicant to practice dentistry and may be taken from but not limited to the following subjects: Pathology, radiology, bacteriology, treatment planning, clinical dentistry, operative dentistry, prosthetics, crowns and bridges, technique, orthodontics, materials in dentistry, diet and nutrition, oral hygiene and prophylaxis, preventive medicine, periodontics, anesthesia, oral surgery, oral medicine, principles of medicine, materia medica and pharmacology, anatomy, physiology, histology, chemistry, embryology, dental history, this chapter and such subdivisions of these general subjects as relate to the practice of dentistry.

(2) All examination papers shall be filed with the secretary-treasurer of the board and kept for reference and inspection for a period...
of not less than two years. Examination papers while so retained shall be open to inspection only to board members and the executive director, or to the board, or to any person properly appointed by such applicant to examine same or pursuant to an order of a court of competent jurisdiction in a proceeding where the question of the contents of any such paper or papers is involved. The said board shall make a record of the examination grade of each applicant which shall be preserved for the two-year period as part of his examination paper.

(3) Should the applicant make a passing grade on his examination, he shall be granted a license by the board, and a license certificate signed by a majority of the board, including the chairman and the secretary-treasurer, bearing the seal of the said board, shall be issued, which certificate, when duly recorded as provided in this chapter, shall be evidence of his or her privilege to practice dentistry in this state; provided such licensee complies with the further provisions of §466.15.

§466.15 Recording of certificates.—Every person granted a license to practice dentistry or dental hygiene in this state by the board as herein provided shall personally cause his license certificate to be recorded in the office of the clerk of the circuit court of the county in which he desires to practice before beginning the practice of dentistry or dental hygiene in said county, and shall within sixty days of the date of the issuance of the license certificate notify the secretary-treasurer of the board that this section has been complied with, giving the name of the county in which said license certificate was recorded. Any person receiving a license from the board, whether or not intending to immediately engage in the practice of dentistry or dental hygiene in this state, shall cause his license certificate to be recorded in the office of the clerk of the circuit court in one of the counties of this state and notify the secretary-treasurer of the board of such recordation within sixty days of the issuance of the license certificate.

History.—§11, ch. 14708, 1931; CGL 1936 Supp. 3534(110); §14, ch. 20240, 1941; §8, ch. 61-471; §6, ch. 67-699.

§466.17 Annual and conditional renewal of licenses; fees.—

(1) On or before October 1 of each year, every dentist licensed to practice dentistry in this state shall transmit to the secretary-treasurer of the board, upon a form prescribed by the board, his signature, post-office, office, and residence addresses, the number of his license certificate, and such other information as may be requested, together with a fee of $35, and receive therefor an annual renewal certificate authorizing him to continue the practice of dentistry in this state for a period of one year or a conditional renewal certificate as provided for in subsection (2).

(2) Any dentist who does not currently maintain residence and domicile in this state, shall be issued a conditional renewal certificate upon application for a payment of the $35 fee as provided in subsection (1), and cannot practice in this state until he has obtained a current annual renewal certificate. No annual renewal certificate shall be issued to the holder of a conditional renewal certificate, if for good cause, the board determines that the applicant has not maintained the degree of professional skill and knowledge required when he was first licensed in this state or he has become physically or mentally incompetent, or has been guilty of immoral conduct. The board may, in its discretion, require said person to demonstrate to the board that he has maintained such professional skills and knowledge and has not been guilty of conduct which would warrant suspension or revocation of a license under this law.

History.—§13, ch. 14708, 1931; CGL 1936 Supp. 3534(112); §17, ch. 20240, 1941; §5, ch. 57-181; §24, ch. 57-1; §11, ch. 61-471; §1, ch. 63-334; §1, ch. 72-100; cf.—466.20 Examination fees; compensation or board, etc.

§466.18 Automatic suspension, cancellation of licenses for failure to renew; notification; occupational license.—

(1) The license and license certificate of any dentist who has not secured his annual renewal certificate or conditional renewal certificate on December 31 of any year shall be automatically suspended after notice as provided in subsection (2). A suspended license may not be reinstated until the dentist whose license has been suspended files a written application on a form prescribed by the board, pays his renewal fee and a delinquency fee of twenty-five dollars. On March 31 of any year the license of any dentist who has not renewed the same and paid the required renewal and delinquency fee shall be automatically cancelled.
(3) Each member of said board shall receive fifty dollars per day or any part of a day while actually preparing, conducting, or grading examinations.

(4) Each member of said board shall receive per diem and mileage, as provided in §112.061, from place of said member's residence to place of meeting or work and return while engaged in any of the foregoing activities or on other legitimate and authorized board business. The secretary-treasurer of said board and his assistants, including such expert or lay assistants as may be authorized by the board to be hired to accomplish its purposes, shall be entitled to such amounts as shall be necessary to defray the cost of stationery and necessary expenses actually incurred in the discharge of his or their duties, and such compensation as the board shall authorize. All moneys received by the board under this chapter shall be paid to the secretary-treasurer of said board. Such moneys shall be deposited and expended pursuant to the provisions of §215.37. All expenses of the board shall be paid upon presentation of vouchers approved by the secretary-treasurer of the board or by the executive director and audited by the secretary-treasurer of said board.

§466.20 Examination fee; compensation of board; deposit of funds collected.—The board shall charge each person applying to it for a license to practice dentistry in the state an examination fee of $50. The examination fee charged each person applying for a license to practice dental hygiene shall be $25. The members of said board shall be compensated for their services as follows:

(1) Each member of said board shall receive fifty dollars per day or any part of a day while attending official board meetings, not to exceed twelve meetings per year, of such duration as is necessary to accomplish the purpose of such meetings.

(2) Each member of said board shall receive fifty dollars per day or any part of a day while actually preparing, conducting, or grading examinations.
466.24 Suspension or revocation of license certificate for cause.—The board shall suspend or revoke the license of any dentist or dental hygienist when it is established to its satisfaction that he:

1. Is a habitual user of intoxicants, or drugs or is afflicted with physical disability, senility, psychiatric disorders or other disease deemed dangerous to the public health, thus rendering him unfit for the practice of dentistry or dental hygiene.

2. Is grossly ignorant or incompetent;

3. Has been guilty of:
   a. Misconduct either in his business or in his personal affairs which would bring discredit upon the dental profession;
   b. Fraud, deceit or misrepresentation in obtaining his license;
   c. Malpractice;
   d. Willful negligence in the practice of dentistry or dental hygiene;
   e. Employing or permitting any unlicensed person or persons to perform any work in his office which would constitute the practice of dentistry or dental hygiene, except a dental auxiliary pursuant to the provisions of this chapter;
   f. Publication or circulation, directly or indirectly of any fraudulent, false or misleading statements as to the skill or methods of practice of any person;
   g. Advertising in any manner his professional services in the practice of dentistry or dental hygiene;
   h. Employing or using a solicitor or other agent to obtain patronage;
   i. Giving a public demonstration of skill or methods;
   j. Practicing dentistry along the streets or highways or any place other than the office where the licensee regularly practices dentistry except as provided by this chapter;
   k. The public exhibition or use of specimens of dental work, large display signs or lighted signs, electric or neon or any other media of calling the attention of the public to any person engaged in the practice of dentistry or dental hygiene;
   l. Failure to provide and maintain reasonably sanitary facilities and conditions;
   m. Failure to provide adequate radiation safeguards;
   n. Violating any other provision of this chapter regulating the practice of dentistry or dental hygiene.

History.—18, ch. 14708, 1931; §1, ch. 16970, 1935; CGL 1936 Supp. 3534(18); §24, ch. 20240, 1941; §15, ch. 61-471; §7, ch. 62-149; §2, ch. 72-13.

cf.—466.40, Dental hygienist, revocation of licenses.
    466.41, Dental internee, revocation of permits.
    466.42, Penalties.

466.25 Filing of accusations against dentists, dental hygienists or dental laboratories; notice; hearing; review.—

1. An accusation may be filed charging a violation of a provision of this chapter against a licensed dentist, dental hygienist or registered dental laboratory owner or operator by the Florida State Board of Dentistry either by its executive director or the secretary-treasurer of the board. The accusation shall be signed by either the secretary-treasurer or the executive director of the board or on behalf of the board. When the accusation is filed, the board shall set a date for hearing thereon. The secretary-treasurer of the board shall submit to the accused a true copy of the accusation and shall notify the accused in writing of the date fixed for the hearing, which date shall not be less than thirty days from the date of such notice, and the name of the accused or accusers. The accused dentist, dental hygienist or dental laboratory owner or operator may appear and show cause why his license or laboratory registration certificate should not be suspended or revoked. For the purpose of such hearing, the board is empowered to require by subpoena the attendance of witnesses, to administer oaths and hear testimony, either oral or documentary, for and against the accused. The notice provided for in this section shall be substantially in the following form:

To ___________________________________________ Florida. You are hereby notified that an accusation has been filed with the secretary-treasurer of the Florida State Board of Dentistry against you as a practicing dentist, dental hygienist or dental laboratory owner or operator in the State of Florida, a true copy of such accusation being attached hereto, and that the said board has fixed the __________ day of ______, A.D., 19___, at the hour of __________ o’clock ______ in ____________ Florida, for a hearing on such accusation, at which time you are hereby notified to appear before the said board and show cause, if any you can, why your license to practice dentistry, dental hygiene or dental laboratory registration certificate in Florida should not be suspended or revoked. At the same time and place, the board will hear testimony, either oral or documentary, both for and against you, relating to such charges.

You are hereby notified that you may represent yourself or that you may at your expense be represented by counsel of your choice. It is not mandatory that you be represented by counsel but notification of such right and privilege is hereby given.

Dated at __________________________ Florida.
Secretary-treasurer of the Florida State Board of Dentistry.

2. Such notice shall be sent to the accused by registered mail return receipt requested directed to his last known mailing address, and the postal authorities’ stamp thereon showing the
same "REFUSED," shall be prima facie evidence of service of such notice.

(3) Any hearing held pursuant to this section shall be at a time and place to be determined by the board.

(4) Application for relief from any order of the board suspending or revoking the license or registration certificate of any dentist, dental hygienist or dental laboratory operator or owner shall be by certiorari to the district court of the judicial circuit in which the petition is filed.

§466.08(6) to require in a petition for relief from any order of the board suspending or revoking the license or registration certificate of any dentist, dental hygienist or dental laboratory operator or owner shall be by certiorari to the district court of the judicial circuit in which the petition is filed.

§466.26 Suspension or revocation of license; notice to clerk of circuit court.—If at such hearing of the accused, the board shall be satisfied that the accused has been guilty of any offense charged in the accusation provided in this chapter, it shall thereupon, without further notice, suspend or revoke the license, license certificate and renewal certificate or dental laboratory registration certificate of the person so accused. The board shall have power in proper cases to authorize the payment of fees and traveling expenses of necessary witnesses required to appear before the board and actually examined in any proceeding properly before it. Upon suspension or revocation of any license, license certificate, renewal certificate, or dental registration certificate, the fact shall be noted upon the records of the board and the license or dental laboratory registration certificate shall be cancelled upon the date of its revocation. Written notice of such suspension, revocation or cancellation shall be mailed by the secretary-treasurer of the board to the clerk of the circuit court in the county in which the accused practices or resides and said clerk shall record such notice. The board shall have the authority regarding proceedings authorized under §466.08(6) to require in a petition for reissuance of a license that the petitioner be physically and mentally competent and not in violation of any provisions of this chapter.

Section 30, Ch. 14708, 1931; COL 1938 Supp. 3534(24); §27, ch. 1938 Supp. 3534(25); §27, ch. 20240, 1941; §18, ch. 61-471; §2, ch. 65-353; §43, 8, ch. 67-409.

Note.—Formerly §466.26.

466.27 Professional signs; announcements.—

(1) A dentist shall not have his name displayed in the lobby, buyer's guide, on blotters or cards in the rooms or in the office of any hotel, motel, apartment house or any public place other than as herein provided for.

(2) A dentist may not have more than two unilluminated signs visible from the exterior of his office. Said signs shall be stationary and square or rectangular in shape, with unshaded lettering of uniform height, such lettering not to exceed four inches in height and each sign not to exceed six hundred square inches in area. They shall include his name, dental degree, "D.D.S." or "D.M.D.," using the abbreviation only, and may include the word "dentist," "dentistry," or "general dentistry" or any specialty approved by the board to which the dentist confines his practice exclusively. These signs shall be limited to the above information, but no sign shall be permitted to hang over or beyond the sidewalk or be placed on the street or highway right-of-way. In addition to the foregoing signs, he may list his name, dental degree, "D.D.S." or "D.M.D.," using the abbreviation only, the word "dentist," "dentistry," or "general dentistry" or any specialty as defined above, his room number and office hours on the directory of the building in which he practices. The letters of such listing shall not exceed two inches in height. The information listed on the directory may be placed on one door entering his office in lettering not to exceed two inches in height. The name of a dental hygienist may not be placed on the office door, directory of the office building or in the telephone directory.

(3) For thirty days immediately following the opening of an office or the changing of locations, association, or type of practice, announcement thereof may be inserted in the local newspapers but must not be over one column wide nor over one and one half inches high, and such newspaper listings shall not include more than the dentist's name, degree, the word "dentist," "dentistry," or "general dentistry" or any specialty as above defined, office location, telephone number and office hours. Announcement cards containing the above and foregoing information may be mailed to bona fide patients and to members of the dental and medical professions.

(4) Professional cards shall not be greater in size than two inches by three and one half inches and must not include more than the dentist's name, degree, the word "dentist," "dentistry," or "general dentistry" or any specialty as above defined, office location, telephone number and office hours. Residence telephone number may be included if desired.

(5) Telephone listings shall be confined to the local telephone directories. Such listings shall be limited to the dentist's name, dental degree, "D.D.S."

Note.—Formerly §466.27.

466.28 Secretary-treasurer, records, bonding and annual board report.—

(1) The secretary-treasurer of the board
shall keep records which shall contain the names of all persons to whom licenses, license certificates, renewal license certificates, conditional renewal certificates, and laboratory registration certificates have been granted under this chapter, the numbers of such licenses, license certificates, renewal certificates, conditional renewal certificates, and laboratory registration certificates, the dates of granting the same, and other matter of record. A photocopy of said records, or a copy of said records, certified by the secretary-treasurer or executive director and under the seal of the board shall be admitted in any of the courts of this state as prima facie evidence of the facts contained in said records and in lieu thereof. A certificate that there is not entered in such records the name and number of and date of granting such license, license certificate, renewal certificate, conditional renewal certificate, and laboratory registration certificates, to a person charged with a violation of any of the provisions of this chapter, under the hand of the secretary-treasurer or executive director and the seal of the board, shall be prima facie evidence of the facts contained therein and in the records of the board; such certificate shall be admitted in any of the courts of this state in lieu of the records of the board. The original records and papers of the board shall be kept at the office of said board, which office shall be at such place as may be designated by the board. The secretary-treasurer or executive director is hereby authorized to furnish to any person entitled thereto copies of nonconfidential records of said board upon the payment of a fee in conformance with the rules and regulations of the board. All fees so collected shall be deposited and expended pursuant to the provisions of §215.37.

(2) The secretary-treasurer and executive director shall give such bond as the board shall from time to time require.

(3) The board shall make an annual report of its proceedings to the governor and to the Florida Dental Association together with a report of all moneys received and disbursed by the board pursuant to this chapter.

History.—§21, ch. 14708, 1831; CGL 1836 Supp. 7712(4) ; 128, ch. 20200, 1841; §7, ch. 14708, 1845; §7, ch. 57-181; §11, ch. 67-409; §6, ch. 72-5.

466.20 Injunctions against unlawful practice of dentistry or dental hygiene.—When it appears to the board that any person is practicing dentistry or dental hygiene in this state without a license, license certificate or renewal certificate, the board may institute legal proceedings to enjoin the violations of the provisions of this law or rules and regulations of this board, and any court of competent jurisdiction may grant a temporary or permanent injunction restraining the violation thereof. A copy of the record certified by the secretary-treasurer or executive director or a certificate of such officer or authorized person showing that such person is not the owner and holder of a valid license to practice dentistry or dental hygiene shall be admitted in any of the courts of this state as prima facie evidence of the facts contained therein. Upon a hearing and the court findings that such person is guilty of practicing dentistry without a license the court shall issue a permanent injunction. Such permanent injunction may be dissolved upon presentation to the court issuing the same a certificate from the secretary-treasurer or executive director of the board stating that the person enjoined is now a holder of a valid license, license certificate or renewal certificate.

History.—§29, ch. 20240, 1941; §11, ch. 67-409.

466.30 Use of forged or invalid certificate; penalties.—Any person using or attempting to use as his or her own a diploma of a dental college or school or a license certificate, renewal certificate, conditional renewal certificate or laboratory registration certificate of another person, a forged diploma or license certificate or renewal certificate, or conditional renewal certificate or laboratory registration certificate, or any forged identification, shall be deemed guilty of a felony, and upon conviction shall be subject to the same penalties of fine and imprisonment as are now made and provided for by the laws of this state for the crime of forgery.

History.—§23, ch. 14708, 1831; CGL 1836 Supp. 7712(4); §30, ch. 20240, 1941; §8, ch. 57-181.

466.31 Sale of forged or invalid certificates; penalties.—Whoever sells or offers to sell a diploma conferring a dental degree, or a license certificate or renewal certificate or conditional renewal certificate or laboratory registration certificate granted pursuant to this chapter or prior dental practice laws, or procures such diploma or license certificate or renewal certificate or conditional renewal certificate or laboratory registration certificate with intent that it shall be used as evidence of the right to practice dentistry or dental hygiene or operate a dental laboratory as defined by law, by a person other than the one upon whom it was conferred, or to whom such license certificate or renewal certificate or conditional renewal certificate or laboratory registration certificate was granted, or with fraudulent intent alters such diploma or license certificate or renewal certificate or conditional renewal certificate or laboratory registration certificate, or who uses or attempts to use it when it is so altered, shall be guilty of a felony of the third degree, punishable as provided in §§775.082, §§775.083, or §§775.084. The board may refuse to grant a certificate to practice dentistry or dental hygiene or to operate a dental laboratory to any person found guilty of making a false statement, or other facts or the court findings that such person is guilty of practicing dentistry without a license the court shall issue a permanent injunction. Such permanent injunction may be dissolved upon presentation to the court issuing the same a certificate from the secretary-treasurer or executive director of the board stating that the person enjoined is now a holder of a valid license, license certificate or renewal certificate.

History.—§24, ch. 14708, 1831; CGL 1836 Supp. 7712(5); §11, ch. 20240, 1941; §9, ch. 57-181; §406, ch. 71-130.
466.33 Enforcement of chapter; duty of board.— (1) The board and its executive director shall assist prosecuting officers in the enforcement of this chapter and shall be the duty of the board and its executive director to furnish the prosecuting officer with such evidence as it may ascertain, to assist him in the prosecution of any violation of this chapter, and the board is authorized for that purpose to make such reasonable expenditures from the funds in its hands as it may deem necessary in ascertaining and furnishing such evidence.

(2) The board shall be authorized to deputize agents, investigators or other dentists to enforce any of the provisions of this chapter or any rule or regulation promulgated by the board. Any agent, investigator or other person authorized by this chapter shall have all the powers in making arrests and entering premises as are given to all peace officers in this state insofar as it is necessary to assist him in carrying out the purpose and intent of this chapter.

History.—127, ch. 14708, 1931; CGL 1936 Supp. 3534(24); 133, ch. 20240, 1941; §16, ch. 57-181; 114, ch. 67-409.

466.331 Authority to accept donations.— The board is hereby authorized and empowered to accept any funds, fines, grants, etc., which may be made available to the board from any private, local, state or federal agency or other sources.

History.—117, ch. 67-409.

466.34 Employment of unlicensed persons by dentist; penalty.—Every duly licensed and registered dentist who uses the services of any unlicensed person for the purpose of constructing, altering, repairing or duplicating any denture, partial denture, bridge splint, orthodontic or prosthetic appliance, shall be required to furnish such unlicensed person with a written work order in such form as shall be approved by the board. This form shall be supplied to the dentist by the board at a cost not to exceed that of printing and handling. The work order blanks shall be assigned to individual dentists and are not transferable. This form shall be dated and signed by such dentist, and shall include the patient’s name or number with sufficient descriptive information to clearly identify the case for each separate and individual piece of work; said work order shall be made in duplicate form, the duplicate copy to be retained in a permanent file in the dentist’s office for a period of two years, and the original to be retained in a permanent file for a period of two years by said unlicensed person in his place of business. Such permanent file of work orders to be kept by such dentist or by such unlicensed person shall be open to inspection at any reasonable time by the board or its duly constituted agent. Failure of the dentist to keep such permanent records of said work orders shall subject the dentist to suspension or revocation of his license to practice dentistry; failure of such unlicensed person to have in his possession a work order as above defined shall be prima facie evidence of a violation of this chapter and shall constitute a felony of the third degree, punishable as provided in §775.082, §775.083, or §775.084.

History.—124, ch. 20240, 1941; §16, ch. 26882, 1955; 111, ch. 57-181; §21, ch. 61-471; §15, ch. 67-409, §401, ch. 71-136.

466.35 Soliciting or advertisements by unlicensed persons; revocation of license of dentist using services of unlicensed person.— (1) Any unlicensed person, corporation, entity, partnership or group of persons who shall solicit or advertise by mail, card, newspaper, pamphlet, radio, television, or otherwise, to the general public to construct, reproduce or repair prosthetic dentures, bridges, plates, or other appliances to be used or worn as substitutes for natural teeth, or for regulation of natural teeth, is guilty of a felony of the third degree, punishable as provided in §775.082, §775.083, or §775.084. However, nothing in this section shall be construed to prevent the registered dental laboratory from maintaining a listing in the local telephone directory. Such listings shall be limited to the laboratory’s name, location, telephone number and business hours only.

(2) Whenever it shall be established to the satisfaction of the board that any duly licensed and registered dentist is guilty of knowingly using the services of any person violating any of the provisions of the foregoing subsection, the board shall suspend or revoke his license as provided for in this chapter.

History.—135, ch. 20240, 1941; 122, ch. 61-471; §4, ch. 65-353; §402, ch. 71-136.

466.36 Practicing dentistry under assumed name; penalties.—On and after the passage of this chapter, it shall be unlawful for any person or persons to practice or offer to practice dentistry under any name except his or her own proper name, which shall be the name used in his or her license certificate granted to him or her as a dentist as provided in this chapter, and unlawful to use the name of any company, association, corporation, clinic, trade name, or business name in connection with the practice of dentistry as defined in this chapter, provided, nothing herein contained shall be so construed as to prevent two or more licensed dentists from associating together for the practice of dentistry, each in his or her own proper name. The violation of any of the provisions of this section by any dentist shall subject such dentist to suspension or revocation of his or her license.

History.—122, 25, ch. 14708, 1931; CGL 1936 Supp. 3534(22), §775 .083; 135, ch. 20240, 1941.

466.37 Dental hygienist; examination; license; license certificate.—No person shall practice as a dental hygienist in this state until such person has passed an examination by the board under such rules and regulations as designed to thoroughly test her skills to practice dental hygiene under the supervision of a licensed dentist. The board shall issue
licenses and license certificates as dental hygienists to those who have passed said examination in a manner satisfactory to the board, which license certificate shall be recorded as provided for in §466.15, and shall be posted on a wall in the office in which said hygienist is employed, but no person shall be entitled to such license and license certificate unless such person shall be a citizen of the United States, of good moral character and a graduate of a dental hygiene school or college as approved by the board.

History—420, ch. 14708, 1931; CGL 1936 Supp. 3534(27); 7711(7); 177, ch. 20240, 1941; 16, ch. 20662, 1955, §23, ch. 61-471; §19, ch. 67-408.

466.38 Number of dental hygienists employed; work to be performed; revocation of licenses.—Dental hygienists may remove calculus deposits, accretions and stains from exposed surfaces of the teeth and from the gingival sulcus and expose dental x-ray films, make topical application of medicinal agents to the teeth for prophylactic purposes, remove and insert temporary dressings and generally clear the area after work has been performed by the dentist, and perform such other services that may be performed by dental auxiliaries, as promulgated in the rules and regulations of the board, but shall not perform any other operations on the teeth or mouth. Dental hygienists may perform their duties only in the office of a registered and licensed dentist and under the supervision or direct supervision of such dentist, or in public institutions which are approved by the board may employ licensed dental hygienists under the supervision or direct supervision of a licensed dentist, and are not limited as to number that may be so employed. The board may employ more than two dental hygienists, but the division of health of the department of health and rehabilitative services and public institutions approved by the board may employ licensed dental hygienists under the supervision or direct supervision of a licensed dentist, and are not limited as to number that may be so employed. The board shall suspend or revoke the license of any dentist who shall permit any dental hygienist operating under his supervision to perform any operation other than that permitted under the provision of this chapter, and shall suspend or revoke the license of any dental hygienist found guilty of performing any operation other than those permitted under this chapter; but no order of suspension or revocation provided herein shall be made or entered except after a hearing by the board as provided in this chapter, and such order shall be subject to judicial review as provided by §466.25.

History—140, ch. 20240, 1941; §36, ch. 61-471.

466.41 Dental internes; institutional dentists and nonprofit corporations; issuance and revocation of permits: (1) The board shall have the authority upon presentation of satisfactory credentials and under such rules and regulations as the board may prescribe, to issue a permit to a graduate of an approved dental school or college who has not been licensed or registered to practice dentistry in this state, to serve as a dental intern in state maintained and operated hospitals or institutions of Florida that may offer such a post or in such hospitals or institutions as shall be approved by the board; provided such hospitals or institutions maintain a recognized staff of one or more licensed dentists. Such intern shall function under the direction of the dental staff of such hospitals. His work shall be limited to the patients confined to the hospital in which he serves, and he shall serve without fee or compensation other than that received in salary or other remuneration from such hospitals. The board shall have the power to revoke the permit of any such interne at any time upon the recommendation by the
executive officer of the dental staff of the hospital or institution in which he serves or for any other reason which the board may deem justifiable.

(2) The board shall have the authority to issue annual permits to unlicensed dentists to serve as institutional dentists, working under the direction of licensed dentists of this state in the tuberculosis hospitals or other institutions operated by the state, providing such permits be issued only to graduates of schools approved by the board and further subject to cancellation for any reason the board may deem justifiable.

(3) The board shall have the authority, upon presentation of satisfactory credentials, and under such rules and regulations as the board may prescribe, to issue a permit to a nonprofit corporation chartered for one or more of the following purposes:

(a) Training and teaching dental auxiliaries in the public schools of the state;
(b) Conducting research and training among duly licensed dentists in the state;
(c) Providing dental care for indigent persons.

(4) Such nonprofit corporations shall function under the direction of the board. The board shall have the power to revoke the permit issued to any such corporations for any violation of any of the rules and regulations as prescribed by the board, or for any other reason which the board may deem justifiable. Such permits shall be granted and issued for a period of one year and shall be renewed only upon application and approval of the board.

(5) The board, in determining a showing by the nonprofit corporation that it is and will comply with the rules and regulations and all provisions prescribed by the board. Nothing in this section shall be deemed to be in violation of §466.65 or §466.36, and where and if necessary this section shall be deemed an exception to §§466.05 and 466.36; provided however, that this shall be the only exception to said §§466.05 and 466.36.

History.—§41, ch. 20240, 1941; §18, ch. 29882, 1955; §37, ch. 61-471; §8010-12, ch. 72-5.

466.42 Penalties for violation of chapter.—Any person who shall practice dentistry or dental hygiene in this state within the meaning of this chapter without having first obtained and had recorded a license certificate from the board, shall be guilty of a felony of the third degree, punishable as provided in §§775.082, §775.083, or §775.084. Any person who violates any of the provisions of this chapter, the penalty for which is not herein specifically provided for, shall be guilty of a misdemeanor of the first degree, punishable as provided in §§775.082 or §775.083.

History.—§42, ch. 20240, 1941; §13, ch. 57-181; §17, ch. 67-409; §403, ch. 71-136; cf.—§455.04. Who has duty of enforcement.

466.43 Dental college scholarships: how awarded.—(1) There shall be awarded each fiscal year, beginning with the fiscal year commencing July 1, 1967, to persons selected by the division of health of the department of health and for rehabilitative services, in consultation with the Florida State Board of Dentistry, five scholarships for the study of dentistry leading to the attainment of the degree of doctor of dental surgery or equivalent degree.

(2) To be eligible to receive a scholarship under §§466.43-466.48, an applicant must:

(a) Have been a citizen and resident of this state for not less than five years prior to the date of his application; and
(b) Be able to meet the requirements and academic standards for admission to a fully accredited four year dental college approved by said board of dentistry; and
(c) Shall furnish evidence satisfactory to the division of health that he does not otherwise have available to him sufficient financial resources to enable him to pursue such a course of study.

(3) A recipient of a scholarship under §§466.43-466.48 shall attend a fully accredited four year dental college approved by the said board of dentistry and selected by the division of health.

(4) Preference in the granting of the scholarships provided for herein shall be given to those applicants with the highest weighted scholastic averages in approved undergraduate colleges, provided that they are persons of high integrity and character; and provided further that such applicants shall be found to have such qualities and attributes as shall give reasonable assurance of pursuing to completion the course of study for the attainment of the degree of doctor of dental surgery or equivalent degree.

(5) If in any one year there are not five qualified applicants for the five scholarships authorized for said year or if any application is made and granted for less than a four year scholarship, then the scholarships or any portion thereof authorized but not utilized during said year may be granted to any qualified applicants who have completed only a portion of their dental training; and if not utilized for this purpose, then said scholarships or any portion thereof shall be carried over and added to the scholarships which are authorized in succeeding years.

(6) No more than two of the scholarships provided for herein shall be awarded in any one year to applicants who are residents of the same county.

History.—§41, ch. 29800, 1955; §1, ch. 57-214; §18, ch. 67-409; §§15, 35, ch. 66-106.

466.44 Dental college scholarships: value and expenditure.—The scholarships provided for herein shall cover the students' tuition, books, laboratory fees and equipment and other fees, supplies, board, room rent and other necessary and reasonable expenses of attending dental school. In no event, however, shall a scholarship amount to more than two thou-
sand dollars in value in any one year, nor more than eight thousand dollars in value in its entirety.

History.—§ 5, ch. 29806, 1955; §10, ch. 67-409.

466.45 Dental college scholarships; agreement to practice in locality designated.—Each recipient of a scholarship under §§466.43-466.48, shall enter into an agreement with the division of health that he will, after the completion of his dental training, enter upon the practice of dentistry in a community or locality in this state designated by the division of health and continue in such practice for a period of one year for each two thousand dollars of scholarship granted and utilized. If a recipient of a scholarship provided for herein fails to perform his agreement with the division of health, he shall immediately forfeit his scholarship and be liable to the state for all scholarship payments he shall have received plus interest on each payment at the rate of eight per cent per annum compounded semiannually. If a recipient of a scholarship provided for herein practices dentistry in a community or locality designated by the division of health for only a part of the total period of compensatory practice agreement, he shall forfeit and be liable to the state only for the amount granted him under such scholarship plus interest on each scholarship payment at the rate of eight per cent per annum compounded semiannually reduced by a credit at a rate of two thousand dollars plus interest thereon, per year for the time he shall have actually practiced in such locality or area. The department of legal affairs shall institute proceedings in the name of the state for the purpose of recovering any amount due the state under §§466.43-466.48, from any scholarship recipient.

History.—§5, ch. 29806, 1955; §32, ch. 61-471; §31, ch. 69-106.

466.46 Dental college scholarships; division of health to select list of communities needing dentists.—

(1) The division of health shall determine the localities and communities within the state which do not have practicing therein a dentist or a sufficient number of dentists, to meet the minimum needs of the inhabitants of such locality or community for the necessary services of a dentist; and shall compile a list of such communities and localities. However, every such community or locality shall have at least 1,000 inhabitants, according to the latest and best information as to such numbers. From such list, the division of health shall designate the community or locality within which a scholarship recipient shall agree to practice dentistry pursuant to the provisions of §§466.43-466.48.

(2) With the approval of the division of health in consultation with the board of dentistry a scholarship recipient may serve his period of compensatory service in public health dentistry.

466.47 Penalty for violation of scholarship contract.—The failure of a recipient of a scholarship provided for herein to perform his agreement with the division of health or to pay the amount for which he is liable hereunder shall constitute a ground for the revocation of his license to practice dentistry in this state, provided, however, such failure shall not be due to causes or conditions beyond the control of the recipient.

History.—§4, ch. 29806, 1955; §26, ch. 61-471; §31, ch. 69-106.

466.48 Rules and regulations.—The division of health shall have the authority to make reasonable rules and regulations, not inconsistent with §§466.43-466.47 for the carrying out of the provisions of said sections.

History.—§6, ch. 29806, 1955; §30, ch. 61-471; §31, ch. 69-106.

466.50 Objects and purposes.—The purpose of §§466.50-466.58, and other applicable sections of this chapter, is to safeguard the public health by requiring that dental laboratories be permitted to operate in this state only upon a written work order of a licensed dentist, either as a registered laboratory or those excluded under §466.51 (2).

History.—§1, ch. 57-242; §31, ch. 61-471; §22, ch. 67-409.

466.51 Dental laboratory defined.—The term dental laboratory as used in this chapter shall be deemed to include any person, firm or corporation who:

(1) Performs for a fee of any kind, gratuitously or otherwise, directly or through an agent or employee by any means or method, or who in any way supplies or manufactures artificial substitutes for the natural teeth, or who furnishes, supplies, constructs or reproduces or repairs any prosthetic denture, bridge or appliance to be worn in the human mouth or who in any way holds itself out as a dental laboratory;

(2) Excluded from the provisions of §466-52, shall be those individual dental laboratory technicians who construct or repair dental prosthetic appliances in the office of a licensed dentist for him only and under his supervision and work order.

History.—§3, ch. 57-242; §32, ch. 61-471.

466.52 Registration.—

(1) Every person, firm or corporation operating a dental laboratory in this state shall by January 1 of each year register with the board on forms to be provided by the board and pay to the board at the same time a registration fee of ten dollars for which the board, pursuant to §466.53, shall issue a registration certificate entitled the holder to operate a dental laboratory for a period of one year.

(2) Upon the failure of any dental laboratory operator to comply with subsection (1), the board shall notify him by registered mail,
February 1, return receipt requested, at his last known address of such failure and inform him of the provisions of subsections (3) and (4).

(3) Any dental laboratory operator who has not complied with subsection (1) by March 1 of any year shall be required to pay a delinquency fee of twenty-five dollars in addition to the regular annual registration fee.

(4) The board is authorized to commence and maintain proceedings to enjoin the operator of any dental laboratory who has not complied with subsection (1) by March 1 of any year from operating a dental laboratory in this state until he has obtained a registration certificate and paid the required fees.

History.—§4, ch. 57-242; §33, ch. 61-471.

466.521 Ownership, address; change.—When the ownership or address of any dental laboratory operating in this state is changed, the owner thereof shall notify the secretary-treasurer of the board within thirty days of such change of ownership or address.

History.—§134, ch. 61-471.

466.53 Board of dentistry.—The board shall not require an examination, but shall issue a registration certificate upon completion of the registration form and compliance with any rules promulgated by the board under §466.56.

History.—§4, ch. 57-242; §23, ch. 67-409.

466.54 Periodic inspections required.—The board may require from the applicant for a registration certificate to operate a dental laboratory any information necessary to carry out the purpose of this chapter, and may require periodic inspection of all dental laboratories operating in this state. Such inspections shall include but not be limited to inspection of sanitary conditions and facilities on the premises.

History.—§16, ch. 57-242; §35, ch. 61-471.

466.55 Suspension and revocation.—The board may suspend or revoke the certificate of any dental laboratory registered under §466.52, after notice and hearing for failure to comply with the provisions of this chapter.

History.—§17, ch. 57-242; §36, ch. 61-471.

466.56 Rules.—The board may promulgate all rules necessary to enforce the provisions of this chapter pertaining to and regulating dental laboratories.

History.—§18, ch. 57-242; §27, ch. 61-471.

466.57 Violations.—It shall be unlawful for any person, firm or corporation to operate as a dental laboratory as defined, except those registered as provided in §466.52.

History.—§19, ch. 57-242.

466.58 Penalties.—Violation of any provision of this chapter as pertaining to and regulating dental laboratories shall constitute a misdemeanor of the first degree, punishable as provided in §775.082 or §775.083.

History.—§20, ch. 57-242; §28, ch. 61-472; §404, ch. 71-136.

466.59 Violation of chapter.—It shall be unlawful for any person to perform any services as a dental auxiliary, as defined herein, except and only in the office of a licensed and registered Florida dentist.

History.—§4, ch. 72-5.
CHAPTER 467
ARCHITECTS

467.01 Florida state board of architecture; terms of members.—

(1) The governor shall appoint an examining and licensing board within the division of professions of the department of professional and occupational regulation to be known as the Florida state board of architecture, to be composed of five members who are architects residing in the state, who have been engaged in the practice of architecture at least five years, whose duty it shall be to carry out the purposes of this chapter.

(2) No person shall be eligible to appointment as a member of the Florida state board of architecture unless he shall have had at least ten years previous experience in the independent practice of architecture under his own name, of which five years shall have been within the state, or shall have had five years experience in such practice and not less than five years experience as a member of the faculty of the school or department of architecture at the university of Florida or the university of Miami at Coral Gables, Florida.

(3) The terms of three of said members shall be in four year cycles from the date of the appointment of the first board; and terms of the other two members shall be in four year cycles from a day two years subsequent to such appointment of the first board; each member shall hold over after the expiration of his term until his successor shall be duly appointed and qualified. Any vacancy occurring in the membership of the board shall be filled by the governor of the state for the unexpired term of such membership. The governor may remove any of the members of said board for inefficiency or neglect of duty.

History.—$1, ch. 6951, 1915; RGS 2229; CGL 3562; §2, ch. 20651, 1941; §30, 35, ch. 69-106; §1, ch. 62-252.

467.02 Organization of board; members to take oath of office; bond of treasurer.—The members of the state board of architecture shall, before entering upon the discharge of their duties, and within thirty days after their appointment, take and subscribe an oath before any officer authorized to administer oaths in the state, for the faithful performance of duty, and file same with the department of state and they shall, as soon as organized, and annually thereafter in the month of January, elect from their number a president and a secretary, who shall also be treasurer. The treasurer shall file a bond for the penal sum of one thousand dollars with the department of state, said bond to be accepted and approved by the department of state before the treasurer shall enter upon the duties of his office.

History.—$2, ch. 6951, 1915; RGS 2230; CGL 3563; am. 67, ch. 22858, 1945; §§10, 35, ch. 68-106.

467.03 Board to adopt rules and regulations; seal; record; quorum.—

(1) The Florida state board of architecture shall have power to sue and be sued in its official name as an agency of the state and to make such rules and regulations as may be necessary to govern its proceedings and shall establish standards of professional practice or conduct encompassing improper use of an architect's seal, incompetency, negligence, dishonest practices, and acts by an architect which willfully mislead or defraud any person.

(2) The board shall adopt a seal, and the secretary shall have the care and custody thereof, and shall keep a record of the proceedings of the board, which shall always be open to public examination.

(3) Three members of the board shall constitute a quorum.

History.—$3, ch. 6951, 1915; RGS 2231; CGL 3564; §3, ch. 20651, 1941; §2, ch. 62-252.

467.04 Board expenses; disposition of fees; compensation of secretary-treasurer.

467.05 Special meetings of board; rules for examination of applicants.

467.06 Rules and regulations and names of officers to be published.

467.07 Rules governing examinations.

467.08 Certain persons exempt from registration; inter-professional privileges between architects and professional engineers defined.

467.09 Persons entitled to a certificate of registration; display.

467.10 Florida state board of architecture; organization of board; members to take oath of office; bond of treasurer.

467.11 Admission without examination.

467.12 Annual registration; fee.

467.13 Filing and distribution of roster; registration made condition precedent to obtaining occupational license.

467.14 Revocation of registration certificate; reinstatement; procedure, process, attorneys, and counsel.

467.15 Seal of architect.

467.16 Report of receipts and expenditures made to governor.

467.17 Penalty for violations.

467.18 Civil proceedings.

467.19 Corporate and partnership practice of architecture; certificate of authorization; fees; revocation or suspension; rules.
467.04 Board expenses; disposition of fees; compensation of secretary-treasurer.—All moneys collected by the board from fees prescribed or authorized to be charged by this chapter, shall be received and accounted for by the board. Such moneys shall be deposited and expended pursuant to the provisions of §215.37. The expenses of the board and the officers thereof, and of the examinations held by the board, and of any other matter in connection with the provisions of this chapter, shall be paid from moneys collected under the provisions of this chapter. Members of the board shall receive ten dollars per day, or any part of a day, while attending official board meetings, not to exceed twelve meetings per year, and shall receive per diem and mileage as provided in §112.061, from place of their residence to place of meeting and return. The secretary-treasurer of the board shall receive such annual compensation as shall be provided by the board, by resolution adopted by it at a regular meeting.

History.—§4, ch. 6951, 1915; RGS 2232; COL 3565; §110, 35, ch. 29689, 1951; §11, ch. 28215, 1953; §12, ch. 61-514.

467.06 Special meetings of board; rules for examination of applicants.—Special meetings of the Florida state board of architecture shall be called by the secretary upon the request of any two members, by giving at least five days’ notice in writing of the meeting to each member. The board shall adopt rules and regulations for the examination and registration of applicants desiring to practice architecture in accordance with the provisions of this chapter and may amend, modify and repeal such rules and regulations from time to time.

History.—§6, ch. 6951, 1915; RGS 2234; CGL 8567.

467.07 Rules and regulations and names of officers to be published.—The Florida state board of architecture shall immediately upon the election of each officer thereof, and upon adoption, repeal or modification of its rules of government or its rules and regulations for registrations of applicants for registration, file with the department of state, and publish in at least one daily newspaper in the state, the names and post office address of each officer, and a copy of such rules and regulations, or the amendments, repeal or modification thereof.

History.—§7, ch. 6951, 1915; RGS 2235; COL 3568; §110, 35, ch. 69-106.

467.08 Rules governing examinations.—

1. (a) Provisions shall be made by the Florida state board of architecture for holding examinations at least twice in each year of applicants for registration to practice architecture, if there shall be any such application. All persons now registered to practice architecture shall continue to be so registered but all architects must apply for and obtain annual renewals of their registrations as provided by law. Upon payment of a fee, new applicants may be admitted by the board upon examination. The scope of the entrance-to-practice examination shall be such as to determine the qualifications of the applicant to practice architecture and shall cover such technical and professional subjects as relate to architecture and the basic arts and sciences, a knowledge of which is material to the proper understanding, application, and practice of the principles of architecture.

*(b)* Any applicant for examination shall establish by satisfactory evidence to the board with his application that:

1. He is twenty-one years of age;
2. He is a citizen of the United States or has pending a declaration of intention so to become;
3. He is of good moral character;
4. He is a graduate of an accredited high school or has education equivalent thereto; and
5. He is either a graduate of a school or college of architecture appearing upon the list of approved schools and colleges of architecture as adopted and published by the board in its rules, with graduation thereafter evidenced by a diploma setting forth the applicant’s degree, or has had training which shall be found by the board to be fully equivalent to such degree, and a minimum of one year of diversified training in offices of registered practicing architects.

2. Time spent engaging in architectural activities either as a part of military duties while in the armed forces of the United States or as a teacher in a curriculum of architecture at a school or college of architecture appearing on the approved list adopted by the board as provided herein shall be evaluated by the board for credit to apply towards the periods of diversified training required herein.

3. Any applicant who has filed a proper form and been accepted by the board for consideration at the time this law becomes effective shall be subject only to the requirements of this section as they existed immediately prior to July 1, 1969.

4. Any person who is engaged in a program of seven years of diversified training in offices of registered practicing architects on July 1, 1969 and who shall so notify the board within one year after July 1, 1969 shall, if otherwise qualified, be permitted by the board to take the examination upon completion of said seven years of diversified training as was provided in this section prior to July 1, 1969.

5. No certificate of registration shall be issued either with or without an examination to any corporation, partnership, firm, or association to practice architecture in this state, but all certificates of registration shall be to individual persons.

6. All examinations shall be prepared and
conducted by or under the direction and supervision of the board, and due notice of the time and place of the holding of such examinations shall be published, as in the case provided for the publication of the rules and regulations thereof.

History.—18, ch. 6051, 1915; RGS 2239; CGL 3572; 16, ch. 20651, 1941; 11, ch. 69-294. *Note.—Ch. 73-21, Laws of Florida, removed the disability of non-age for persons 18 years of age and older.

defined.——
1941, ch. 69-294; §10, ch. 69-106; §1, ch. 70-314.

467.09 Certain persons exempt from registration; inter-professional privileges between architects and professional engineers defined.—

(1) (a) No person shall be required by this or any other state law regulating the practice of architecture to qualify as an architect in order to make plans and specifications for or supervise the erection, enlargement or alteration of any building upon any farm for the use of any farmer, irrespective of the cost of such building, or any one- or two-family residence building or any domestic out-building appurtenant to any such one- or two-family residence, regardless of costs, or of any other type building costing less than five thousand dollars (except schools, auditoriums, or other buildings intended for the mass assemblance of people). Nor shall anything in this or any other state law be held to prevent registered professional engineers or their employees or subordinates under their responsible supervising control from performing architectural services which are purely incidental to their engineering practice or registered architects or their employees or subordinates under their responsible supervising control from performing engineering services which are purely incidental to their architectural practice. Provided that no professional engineer shall practice architecture or use the designation "architect" or any term descriptive thereof, and no architect shall practice professional engineering or use the term "engineer" or any derivative thereof. Otherwise, any person who shall be engaged in the planning or design for the erection, enlargement or alteration of buildings for others or furnishing architectural supervision of the construction thereof shall be deemed to be practicing architecture and be required to secure a certificate and all annual renewals thereof required by the laws of this state as a condition precedent to his so doing.

(b) The term “building” in this chapter shall be understood to be a structure, consisting of foundations, walls and roof, with or without the other parts. Nothing contained in this chapter shall be construed to prevent any employee of a registered architect from acting under his instruction, control and supervision, in any capacity whether paid by the architect or the owner.

(2) Nothing contained in this chapter shall be construed to repeal, amend, limit or otherwise affect any county, metro or municipal building codes or zoning laws or ordinances now or hereafter enacted which are or shall be more restrictive with respect to the services of registered architects in their operation and effect than the general law regulating the practice of architecture.

(3) In counties or municipalities which now or hereafter have a system of issuance of building permits such permits shall not be issued in any case where the application for said building permit discloses that the provisions of this chapter have been violated; provided, however, this shall not authorize the withholding of building permits in any cases within the exempt classes set forth under subsection (1).

History.—19, ch. 6051, 1915; RGS 2239; CGL 3572; 11, ch. 20651, 1941; 11, ch. 69-294; §10, ch. 69-106; §1, ch. 70-314.

467.10 Persons entitled to a certificate of registration; display.—Any individual person who practices or offers to practice architecture through a partnership or corporation which offers architectural service to the public must have a certificate of registration to practice architecture as provided in this chapter. Each person holding a certificate of registration to practice architecture in this state shall post such certificate of registration in a prominent place in his place of business. Failure to post his certificate of registration shall be deemed sufficient cause for revocation of said certificate of registration.

History.—50, ch. 6951, 1915; RGS 2239; CGL 3572; 11, ch. 69-294; §10, ch. 69-106; §1, ch. 70-314.

467.11 Admission without examination.—Hereafter no person shall be admitted to the practice of architecture in this state without an examination except that a certificate of registration may be issued upon filing of application and payment of the same fees as if qualified by examination to a person who meets the requirements of applicants for examination as set forth in §467.08 and has passed a standard examination and holds a current certificate issued by the board of registration for the practice of architecture as provided in this chapter. Each person holding a certificate of registration shall be deemed to be practicing architecture in this state without an examination except that a certificate of registration may be issued upon filing of application and payment of the same fees as if qualified by examination to a person who meets the requirements of applicants for examination as set forth in §467.08 and has passed a standard examination and holds a current certificate issued by the national council of architectural registration boards and who furnishes satisfactory evidence of continued honorable professional practice after the passing of such examination together with satisfactory evidence of his present ability and integrity.

History.—50, ch. 6951, 1915; RGS 2239; CGL 3572; 11, ch. 69-294; §10, ch. 69-106; §1, ch. 70-314.

467.12 Annual registration; fee.—Every registered architect who desires to continue to practice his profession in this state shall annually during the time he shall continue to practice, pay to the secretary of the Florida state board of architecture during the month of July of each year an annual registration fee in such amount as the Florida state board of architecture may in its discretion determine, except as provided in §467.08; provided, however, that such registration fee shall not exceed twenty-five dollars; and the secretary shall thereupon issue to such registered architect a certificate of renewal of his registration for a term of one year. Upon failure to have his cer-
certificate renewed during the month of July in each and every year, except as provided in §467.08, the holder thereof shall have his certificate revoked, but the failure to renew said registration or the failure to pay any fee, or the failure to pay any renewal fee in a timely manner shall not deprive him of the right to renewal upon payment of said fee; provided, his application for reinstatement is made within one year after the expiration of his certificate.

History.—s12, ch. 6815, 1915; RGS 2240; CGL 2573; 41, ch. 25050, 1949; 52, ch. 26727, 1955.

467.13 Filing and distribution of roster; registration made condition precedent to obtaining occupational license.—No roster of architects need be published by the board hereafter, but annually the secretary of the board shall prepare a roster showing the names and business addresses of all registered architects and the names and business addresses of all partnerships, corporations, or other business organizations which hold certificates of authorization to offer architectural services and which are entitled to the services of the department of professional practice or conduct established by rule and regulation of the board; or

(2) The violation of this or any other law of this state relating to the practice of architecture or any lawful rule or regulation made by the board pursuant to law.

(2) The accused certificate holder shall have twenty days' notice of the charge against him and of the time and place of the meeting of the board for the hearing and determination of the charge. At such hearing the accused shall have the right to cross-examine witnesses against him, to produce witnesses in his defense, and to appear personally or by counsel. In the event of suspension or revocation, the secretary of the board shall give notice to the department of state, which shall duly cancel the recordation of such registration in its office.

(3) The Florida state board of architecture, under the hand of its secretary and seal of the board, may require the production of books, papers, or other documents and may issue subpoenas to compel the attendance of witnesses to testify and to produce such books, papers, or other documents in their possession before the board or any member thereof, which are relevant to any hearing or proceeding concerning any violation of laws regulating architects or the practice of architecture. Subpoenas shall be served by the sheriff of the county where the witness resides or may be found.

(4) If any person refuses to obey any subpoena or refuses to testify or to produce any books, papers, or other documents required to be produced, the board may present its petition to the circuit court of the county wherein such person was served with subpoena, setting forth the facts, whereinupon such court shall issue its rule nisi to such person requiring him to obey forthwith the subpoena or show cause why he fails to obey the same. Unless such person shows sufficient cause for failing to obey, the court shall forthwith direct such person to obey the same. Upon his refusal to comply he shall be adjudged in contempt of court and punished therefor, as the court may direct.

(5) In any judicial proceeding to which the board may be a party, the board shall be entitled to the services of the department of legal affairs and of the several state attorneys and assistant state attorneys in any circuit where such litigation may be. The board shall also have power to secure such other legal
advice and services as may be necessary or proper for the conduct of its affairs. The person whose certificate of registration was revoked may have a new certificate of registration issued to him by the secretary of said board upon the certificate of said board, issued by them upon satisfactory evidence for proper reasons for his reinstatement, and upon payment to the secretary of a fee of ten dollars. The person whose certificate of registration is suspended shall have his certificate of registration reinstated at the end of the period of his suspension.

**History.**—§14, ch. 6951, 1915; RGS 2241; CGL 3574; §1, ch. 20651, 1941; §6, ch. 20651, 1941; §16, 11, 33, ch. 69-106. cf. §30.351, Fees of sheriffs.

**467.15 Seal of architect.**—
1. Every registered architect shall have a seal, which must contain the name of the architect, his place of business, and the words “Registered Architect, State of Florida”, with which he shall stamp all drawings and specifications issued from his office for use in this state.

2. No architect shall affix or permit to be affixed his seal or his name to any plan, specification, drawing or other related document which was not prepared by him or under his responsible supervising control, nor shall any architect use his seal or do any other act as an architect unless holding at the time a certificate of registration and all required renewals thereof.

**History.**—§15, ch. 6951, 1915; RGS 2242; CGL 3537; §8, ch. 20651, 1941.

**467.16 Reports of receipts and expenditures made to governor.**—Annually, within the first week of July, the secretary of the board shall make to the governor of the state a complete statement of the receipts and expenditures of the board, attested by affidavit of the president and secretary, and a complete report of the transactions of the board with such recommendations for the advancement and betterment of the profession as it may think best.

**History.**—§16, ch. 6951, 1915; RGS 2243; CGL 3576; §1, ch. 25013, 1949.

**467.17 Penalty for violations.**—It shall be a misdemeanor of the second degree, punishable as provided in §775.082 or §775.083, for any person to practice architecture or is an architect, without being registered as an architect and having a certificate of registration then in force unless exempted therefrom by the provisions of law; or to give false testimony or knowingly offer forged evidence to the board or any member thereof with the intent of deceiving the board or any member thereof, or of obtaining registration or a renewal certificate of registration; or to falsely impersonate any registered architect; or to use any expired or revoked certificate of registration; or to violate the provisions of this or any other law of the state relating to the registration of architects.

**History.**—§12, ch. 6951, 1915; RGS 2249; CGL 7711; §10, ch. 20651, 1941; §405, ch. 71-136.

**467.18 Civil proceedings.**—
1. As cumulative of any other remedy or criminal prosecution, whenever it shall appear to the Florida state board of architecture that any person is or has been violating any of the provisions of this chapter, or the lawful rules, regulations or orders of the board, or any of the laws of the state relating to architecture, the said board may file an application in its own name, or a proceeding by mandamus, in the name of the state, on its own relation, and by its counsel, alleging the facts, and praying for a temporary restraining order, an injunction and permanent injunction, or writ of mandamus against such person, restraining him from violating, or disobeying or commanding him to obey such law, order, rule or regulation.

2. Upon proper application, and showing that such person is not registered, or a renewal certificate has not been applied for, or that registration has been denied, revoked or suspended, or that the law, order, rule or regulation has been or is about to be violated, which showing may be made by affidavit, the court wherein the proceeding shall have been filed, shall issue a temporary restraining order or injunction, or alternative writ of mandamus, and, upon final hearing, shall grant and issue an injunction including mandatory injunction, or a peremptory writ of mandamus, upon finding the truth and sufficiency of the allegations of the bill or petition. The court may enforce said injunction or writ by punishment for contempt, and by such other writs and process, mesne or final, as are permitted to circuit courts, and shall make such other orders as its discretion and the rules shall require. Such injunction or writ may be limited in time, perpetual, or conditional, as may be necessary and proper to the enforcement of this chapter, or the lawful rules, regulations or orders of the board, or the law of the state relating to architecture.

**History.**—§1, ch. 2807, 1953; §2, ch. 2917, 1955.

**467.19 Corporate and partnership practice of architecture; certificate of authorization; fees; revocation or suspension; rules.**—
1. The practice of, or offer to practice, architecture by individual architects registered under this chapter through a corporation or partnership offering architectural services to the public, or by a corporation or partnership offering architectural services to the public through individual registered architects, as agents, employees, officers, or partners, is permitted subject to the provisions of this section if:

   a. One or more of the principal officers of such corporation or partners of such part-
partnership and all personnel of such corporation or partnership who act in its behalf as architects in this state are registered architects as provided by this chapter;

(b) All persons in control of such corporation and all partners of such partnership shall be registered architects under this chapter, registered professional engineers as provided in chapter 471, or registered landscape architects as provided in chapter 481;

(c) One or more of the officers, one or more of the directors, and one or more of the owners of such corporation, and one or more of the partners of such partnership, shall be a registered architect as provided in this chapter; and

(d) Said corporation or partnership has been issued a certificate of authorization by the board as provided herein.

(2) All documents involving the practice of architecture which are prepared for the use of such corporation or partnership shall bear the signature and seal of a registered architect. However, no architect shall affix, or permit to be affixed, his seal or his name to any plan, specification, drawing, or other related document which was not prepared by him or under his responsible supervising control.

(3) Nothing in this section should be construed to mean that a certificate of registration to practice architecture shall be held by a corporation or partnership.

(4) A corporation or partnership desiring a certificate of authorization shall file with the board an application upon such a form to be prescribed by the board and the designation required by subsection (5), accompanied by the fee prescribed by the board, which fee shall not exceed seventy-five dollars.

(5) A corporation shall file with the board, using a form provided by the board, the names and addresses of all officers and board members of the corporation, including the principal officer or officers, duly registered to practice architecture in this state, and also of all individuals duly registered to practice architecture in this state who shall be in responsible charge of the practice of architecture, in this state, by said corporation. A partnership shall file with the board, using a form provided by the board, the names and addresses of all partners of the partnership, including the partner or partners duly registered to practice architecture in this state, and also of an individual or individuals duly registered to practice architecture in this state who shall be in responsible charge of the practice of architecture, in this state, by said partnership. This same form, giving the same information, must accompany the annual certificate of authorization renewal fee prescribed by the board. In the event there shall be a change in any of these persons during the year, such changes shall be designated on the same form and filed with the board by the corporation or partnership within thirty days after the effective date of such change.

(6) If all the requirements of this section are met, the board shall issue to such corporation or partnership a certificate of authorization. Revocation or suspension of a certificate of authorization held by such corporation or partnership as provided in this section shall be administered by the board in the same manner as provided for revocation of an individual architect's certificate of registration as provided in §467.14.

(7) The board shall promulgate and enforce such rules as are required to regulate corporations or partnerships as to the name of such corporation or partnership which shall be authorized to obtain a certificate of authorization from the board and as to the practice of architecture through such corporation or partnership.

(8) Persons seeking to incorporate under the provisions of this section shall obtain approval from the Florida state board of architecture prior to filing their articles of incorporation with the department of state.

(9) The fact that individual registered architects practice architecture through a corporation or partnership as provided in this section shall not relieve such architects from personal liability for their professional acts, and each such corporation (and such stockholders as are architects) or partnership shall be jointly and severally liable for the professional acts of agents, employees, officers, or partners.

History.—§1, ch. 69-202; §§10, 35, ch. 69-106; §126, ch. 73-333.
CHAPTER 468
MISCELLANEOUS REGULATORY BOARDS, ETC.

PART I OPERATORS OF MOVING PICTURE MACHINES (§§468.01-468.08)

PART II LICENSING OF CONSTRUCTION INDUSTRY (§§468.101-468.114)

PART III FITTING AND SELLING OF HEARING AIDS (§§468.120-468.138)

PART IV SPEECH PATHOLOGY AND AUDIOLOGY (§§468.139-468.149)

PART V ELECTRONIC REPAIR (§§468.150-468.1625)

PART VI NURSING HOME ADMINISTRATORS (§§468.163-468.178)

PART VII ELECTRICAL CONTRACTORS (§§468.180-468.194)

PART I
OPERATORS OF MOVING PICTURE MACHINES

468.01 Licenses required; application of part I of chapter 468.
Any person engaging or working at the business of operating or assisting in the operation of any cinematograph or similar apparatus commonly known as moving picture machines, in any city in this state shall be required to obtain a license.

468.02 Board of examiners; qualifications.
The mayor of each city in the state shall appoint a board of examiners and license commissioners to be composed of three members; one of whom shall have some knowledge of electricity; one an expert operator of moving picture machines; and, the third an electrical inspector or building commissioner employed by the city.

468.03 Examination of applicants; fee.
All applications for license accompanied by a fee of one dollar shall be made to the board of examiners and each applicant shall at any time and place that the board shall designate, be required to pass an examination as to his qualifications as said board may direct. The examination may be made in whole or in part, in writing, but shall be of a practical and elementary character and sufficiently strict to test the qualifications of the applicant as to his knowledge of electricity.

468.04 Issuance of license.
A license good for one year from date of issuance shall be issued to every operator who successfully passes the required examination. Any operator failing to pass said examination shall have the fee returned to him, and his employer shall be notified by the board of examiners.

468.05 Qualifications of operator and assistant.
It is unlawful for any proprietor, owner, or manager of any theater or moving picture show in any city, to employ or have in his employ, any operator or assistant operator, on a moving picture machine who is not over eighteen years of age, and who has not successfully passed the examination and received a license as required by this part. No operator shall be granted a license as operator who has not had at least one year practical experience on moving picture machines and no person shall be granted an assistant license who has not served under an experienced operator for one year prior to making application for assistant license. All machines shall be under the care and supervision of one person holding an operator's license, who shall be responsible for the proper handling of the machine by said assistant. The provisions of this section shall apply to owners and managers who operate their own machines, who are required to be in possession of an operator's license.

468.06 Inspection of machines.
One member of the board of examiners or some person designated by said board shall make an inspection of every moving picture machine in the city at least three times a year and report to the board on blanks provided, the condition of electrical connections, name of operator and each assistant, and make an examination of each license issued.

468.07 Appropriation by city.
A sufficient
appropria-468.08 Violation of regulations as to op-
tion shall be made by the city council or commission whose duty is to appropriate such funds for the proper administration of the provisions of this part, for the purposes and use of the board of examiners.

History.—§1, ch. 67-110; §1, ch. 73-205.

PART II

LICENSING OF CONSTRUCTION INDUSTRY

468.101 Purpose of part II of this chapter. —It is hereby declared to be the public policy of the state that, in order to safeguard the life, health, property and public welfare of its citizens, the business of construction and home improvements is a matter affecting the public interest, and any person desiring to obtain a certificate to engage in the business as herein defined shall be required to establish his competency and qualifications to be certified as herein provided.

History.—§1, ch. 6955, 1915; RGS 2250; CGL 5688.

468.102 Definitions. —As used in part II:
(1) “Contractor” means, except those herein exempted, any person who, for compensation, undertakes to, or submits a bid to, or does himself or by others, construct, repair, alter, remodel, add to, subtract from, improve any building or structure, including related improvements to real estate for others, or for resale to others, as hereinafter defined; however, a "contractor" shall subcontract the electrical, mechanical, plumbing, roofing, sheet metal, and air conditioning work for which an examination for a certificate of competency or a license is required, unless such contractor holds a certificate of competency or license of the respective trade category, as required by the appropriate local authority. Where the local authority does not require a certificate of competency or license for the respective trade, the contractor shall not be required to meet the above requirements. “Contractors” are subdivided into ten categories as follows:
(a) “General contractors” are those whose services are unlimited about the type of work which they may do as set forth in subsection (1) above.
(b) “Building contractors” are those whose services are limited to construction of commercial buildings and single or multiple dwelling residential buildings, neither to exceed three stories in height, and accessory use structures in connection therewith, or those whose services are limited to remodeling, repair, or improvement of any size building if the services do not affect the structural members of the building.
(c) “Residential building contractors” are those whose services are limited to construction, remodeling, repair, or improvement of one, two, or three-family unit residences not exceeding two stories in height and accessory use structures in connection therewith.
(d) “Sheet metal contractor” is one whose services are unlimited in the sheet metal trade and who has the experience, knowledge and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, alteration, repair, servicing and design when not prohibited by law, of ferrous or nonferrous metal work of U. S. No. 10 gauge or its equivalent or lighter gauge and other materials used in lieu thereof; and air handling systems including the setting of air handling equipment and reinforcement of same and including the balancing of air handling systems.
(e) “Roofing contractor” is one whose services are unlimited in the roofing trade and who has the experience, knowledge and skill to install, maintain, repair, alter, extend, or design when not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing and waterproofing, all in such manner as to comply with all plans, specifications, codes, laws, and regulations applicable thereto.
(f) “Class A air conditioning contractor” means any person whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to perform the following: install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating,

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and ventilating, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor necessary to make complete an air distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith; also piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, and installation of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system, all in such a manner as to comply with all plans, specifications, codes, laws, and regulations applicable thereto. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable waterlines or connections thereto, sanitary sewer lines, swimming pool piping and filters, and electrical power wiring.

(g) “Class B air conditioning contractor” means any person whose services are limited to twenty-five tons cooling and five hundred thousand B.T.U. heating (in any one system) in the execution of contracts requiring the experience, knowledge, and skill to perform the following: install, maintain, and repair, fabricate, alter, extend or design when not prohibited by law, central air conditioning, refrigeration, heating and ventilating, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor necessary to make complete an air distribution system being installed under this classification; also, piping, insulation of pipes, vessels and ducts, and installation of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system, all in such a manner as to comply with all plans, specifications, codes, laws, and regulations applicable thereto.

(h) “Class C air conditioning contractor” means any person whose business is limited to the servicing of air conditioning, heating, or refrigeration systems, including duct alterations in connection with those systems they are servicing. No examination, registration or certification is required under this part for the sales, service, or installation of package heating or air conditioning units with no ducts or remote controls (maximum of three tons, thirty-six thousand B.T.U. in capacity).

(i) “Mechanical contractor” means any person whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to perform the following: install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating and ventilating, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor necessary to make complete an air distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping and all appurtenances, apparatus, or equipment used in connection therewith; also piping insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, fire sprinkling systems and standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, and installation of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system, all in such a manner as to comply with all plans, specifications, codes, laws, and regulations applicable thereto. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable waterlines or connections thereto, sanitary sewer lines, swimming pool piping and filters, and electrical power wiring.

(j) “Pool contractor” means any person whose scope of work involves, but is not limited to, the construction and repair of any pools, public or private or otherwise, and used for therapy, swimming, or other use. This work shall include, but not be limited to, layout, excavation, operation of construction pumps for de-watering purposes, steel work, installation of light niches, lights, and conduits, grounding of the pool, pouring of floors, guniting, installation of tile and coping, installation of all perimeter filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, pouring of decks, construction of equipment rooms or housing for pool equipment, and the installation of package pool heaters. However, the scope of work of such contractor shall not include direct connections to a sanitary sewer system or to potable water lines.

2. “Contracting” means, except as herein exempted, engaging in business as a contractor.

3. “Board” means the Florida Construction Industry Licensing Board created hereby unless the context otherwise requires.

4. “Certificate” means a certificate of competency issued by the board as provided herein.

5. “Registration” means registration with the board as provided herein.

6. “Certification” means the act of obtaining or holding a certificate of competency from the board as provided herein.

7. “Register” means the act of obtaining evidence of registration with the board as provided herein.

8. “Registrant” means a person who has registered with the board.

History.—§2, ch. 67-110; §2, ch. 71-206.
468.103 Florida Construction Industry Licensing Board; organization, meetings, powers, duties.—

(1) The Florida Construction Industry Licensing Board is created within the division of occupations of the department of professional and occupational regulation consisting of thirteen members, three of whom are primarily engaged in business as general contractors, three of whom are primarily engaged in business as building contractors or residential building contractors, one of whom is primarily engaged in business as an air conditioning contractor, one of whom is primarily engaged in business as a roofing contractor, one of whom is primarily engaged in business as a sheet metal contractor, one of whom is primarily engaged in business as a public member, and one of whom is primarily engaged in business as a residential building contractor.

(2)(a) To be eligible for appointment each contractor member and alternate member of the first board at the time of appointment shall hold personally or be a principal member of a firm holding an unexpired license to operate as a contractor issued by a municipality, city or county of the state; be actively engaged in the construction business and have been so engaged for a period of not less than five consecutive years before the date of his appointment; and be a citizen and resident of the state.

(b) Each general contractor, roofing contractor, sheet metal contractor, mechanical contractor, pool contractor, and air conditioning contractor member and alternate member of the board succeeding the original appointees shall hold a valid certificate issued by this board in addition to the qualifications required in paragraph (a) above. Each building contractor and residential building contractor member of the board succeeding the original appointees shall hold a valid certificate or evidence of registration issued by the board in addition to the qualifications required in paragraph (a) above.

(c) No two board members in Division A may be appointed from the same congressional district. No two board members in Division B may be appointed from the same congressional district, nor may alternate board members be appointed from the same congressional district as their corresponding board member.

(3) The members of the board serving on the effective date of this act shall continue to serve until expiration of their term of office. Within thirty days after the effective date of this act, the governor shall appoint six additional qualified regular members to the board, one of whom is primarily engaged in business as a roofing contractor, one of whom is primarily engaged in business as a sheet metal contractor, one of whom is primarily engaged in business as an air conditioning contractor, one of whom is primarily engaged in business as a mechanical contractor, one of whom is primarily engaged in business as a swimming pool contractor, and one of whom is a member of the public as set forth in subsection (1). In addition, the governor shall also appoint one alternate contractor member for each of the above-mentioned contractor members representing the same respective trades and possessing the same qualifications and prerequisites as their corresponding regular members. Alternate members may attend all meetings of the board, and, if the regular member and the corresponding alternate member are both present and voting, each shall have only one half vote; however, if either the regular or corresponding alternate member is absent, the member or alternate member present shall have one vote.

Of the six new members to be appointed, two members shall be appointed for a term of one year, two members for a term of two years, and two members for a term of three years. The alternate members shall be appointed to terms corresponding to the terms of their regular member. All terms of office expire on June 30 of the last year of the term. As the terms of members and alternate members expire the governor shall appoint a member or alternate member to fill the vacancy for a term of four years, but no member or alternate member shall succeed himself to another four-year term. Vacancies in the membership of the board for any cause shall be filled by appointment by the governor for the balance of the unexpired term.

(4) The board shall be divided into two divisions, Division A and Division B. Division A shall be comprised of the general contractors, building contractors, roofing contractors, air conditioning contractors, public member, and building official members of the board and shall have jurisdiction over the examinations and regulation of general contractors, building contractors, residential building contractors, and residential building contractors. Division B shall be comprised of the regular and alternate mechanical contractor, pool contractor, roofing contractor, sheet metal contractor, air conditioning contractor, public member and building official members of the board, and shall have jurisdiction over the examinations and regulation of mechanical contractors, pool contractors, roofing contractors, air conditioning contractors, and sheet metal contractors. The public member and building official member of the board shall serve as members, with full voting rights, on Division A and Division B of the board. The combined divisions shall meet together at such times as the board deems necessary, solely for the purpose of internal administrative affairs of the board, but neither division shall have any authority to promulgate rules or regulations respecting matters under the jurisdiction of the other division.
(5) The board shall meet regularly as the need presents itself. As soon as practicable after the effective date of this part, the board shall meet to elect officers from its membership, whose terms shall expire on June 30 and annually thereafter. Special meetings of the board may be held as the board provides in its rules and regulations. Five members of Division A constitute a quorum and five votes of Division B constitute a quorum.

(6) The board is authorized to adopt rules and regulations in accordance with chapter 120 to carry out the provisions of this part.

(7) Any member or alternate member of the board or duly appointed hearing officer designated by the board may administer oaths and take testimony about all matters within the jurisdiction of the board. Chapter 120 governs hearings conducted by or on behalf of the board.

(8) The board is authorized to employ personal and incur expense as necessary to perform its duties and enforce this part, the moneys collected under this part. Members of the board shall be received, deposited, expended and accounted for pursuant to law. The expenses of the board and its officers and of the examinations held by the board, and of other matters in connection with this part shall be paid from the moneys collected under this part and shall sue and be sued in its official name.

(9) The board shall adopt a seal for its use containing the words “Florida Construction Industry Licensing Board.”

History.—§3, ch. 67-110; §§30, 35, ch. 69-106; §3, ch. 73-205.

468.104 Disposition of fees; expenses; compensation.—All moneys collected by the board shall be received, deposited, expended and accounted for pursuant to law. The expenses of the board and its officers and of the examinations held by the board, and of other matters in connection with this part shall be paid from the moneys collected under this part and shall sue and be sued in its official name.

History.—§3, ch. 67-110.

468.105 Registration.—

(1)(a) All persons contracting in the state shall register with the board in the proper classification unless they are certified. Persons presently engaged in the contracting business as defined herein shall register with the board within ninety days after the effective date of this part. Persons later entering the business of contracting as defined herein shall register with the board prior to engaging in business as a contractor unless they are certified. To be registered the applicant shall file evidence of holding a current state or county occupational license or a current license issued by any municipality, city, or county of the state for the type of work for which registration is desired on a form prescribed by the board, together with evidence of successful compliance with the local examination and licensing requirements, if any, in the area for which registration is desired, accompanied by the registration fee fixed by this part. No examination shall be required by the board for registration.

(b) The secretary of state shall notify each county tax collector of the adoption of this part before September 1, 1973, and supply each with a summary of the requirements for registration and certification. Each tax collector shall notify each applicant for an occupational license as a contractor of the adoption of this part.

(2) Registration permits the registrant to engage in contracting only in the area and for the type of work covered by the registration, unless the state and local licenses are issued for other areas and types of work or unless certification is obtained. When a registrant desires to register in an additional area of the state, he shall first comply with any local requirements of that area and then file a request with the board together with evidence of holding a current state or county occupational license or license issued by a municipality for the area or areas in which he desires to be registered, whereupon his evidence of registration shall be endorsed by the board to reflect valid registration for the new area or areas.

(3) The board may receive an application on prescribed forms with supporting data; and upon finding of fact supporting the need or justification, the board may grant a limited and restricted registration to a contractor not domiciled in the state for one project. Renewal application or registration cannot be granted. During such registration the board shall have complete authority to require compliance with this and other statutes of the state.

History.—§5, ch. 67-110; §1, 2, ch. 72-393; §4, ch. 73-205.

468.106 Certification.—

(1) To obtain a certificate, an applicant shall submit an application in writing to the board containing the statement that the applicant desires the issuance of a certificate and the class of certificate desired on a form containing the information prescribed by the board and shall be accompanied by the fee fixed by this part.

(2) (a) Examinations shall be held at times and places within the state as the board determines, but there shall be at least two examinations a year. Each applicant shall take an objective written examination about his fitness for a certificate in the category for which application is made. There shall be a type of examination for each of the ten categories of certificates which shall apply to the type of work covered by the certificate applied for. The examination shall cover knowledge of basic principles of contracting and construction applicable to the category for which a certificate is requested. It shall be an open-book examination consisting of multiple-choice, fill-in, true-false, or short-answer questions and may include or consist of diagrams, plans, or sketches in connection with which the applicant is required to demonstrate his knowledge of construction by answering questions keyed to such diagrams, plans, or sketches. All examinations shall be prepared by an independent testing agency, subject to approval of the respective division of the board.

(b) A passing grade on the examination is
70 percent, and such examinations shall be administered by the independent testing agency.

(3) Upon receipt of the fee and application, the board shall investigate the financial responsibility and credit and business reputation of the applicant and of any business organization on behalf of which he proposes to engage in contracting, as well as the education and experience of the applicant. As a prerequisite to taking the examination, the applicant shall possess the required skill, knowledge, and experience in the category for which application is made, as evidenced by four years' proven experience in the trade or educational equivalent thereto, or a combination thereof. Within thirty days from the date of the examination, the board shall inform the applicant in writing whether he has qualified or not and, if the applicant has qualified, that it is ready to issue a certificate in the category for which application was made, subject to compliance with the requirements of subsection (4).

(4) As a prerequisite to issuance of a certificate, the board shall require the applicant to submit satisfactory evidence that he has obtained public liability and property damage insurance for the safety and welfare of the public in amounts to be determined by the board. Thereupon, the certificate shall be issued forthwith, but this subsection does not apply to inactive certificates.

(5) If an applicant for an original certificate, after having been notified to do so, does not appear for examination within one year from the date of filing his application, the fee paid by him shall be credited to the board as an earned fee. New application for a certificate shall be accompanied by another application fee fixed by this part. Forfeiture of a fee may be waived by the board for good cause.

(6) When a certificate holder desires to engage in contracting in any area of the state, as a prerequisite therefor, he shall only be required to exhibit to the local building official, tax collector, or other person in charge of the issuance of licenses and building permits in the area, evidence of holding a current certificate accompanied by the fee for the occupational license and building permit required of other persons.

(7) The certificate shall not be transferable.

History.--§6, ch. 67-110, §5, ch. 73-205.

468.107 Business organizations.--

(1) When an individual proposes to do business in his own name, registration or certification, when granted, shall be issued only to that individual.

(2) If the applicant proposing to engage in contracting is a partnership, corporation, business trust, or other legal entity, the application shall state the name of the partnership and of its partners, or the name of the corporation and of its officers and directors, or the name of the business trust and its trustees, or the name of such other legal entity and its members, and furnish evidence of statutory compliance if a fictitious name is used. Such application shall also show that the person applying for the examination is legally qualified to act for the business organization in all matters connected with its contracting business; and that he has authority to supervise construction undertaken by such business organization. The registration or certification, when issued upon application of a business organization, shall be in the name of such business organization and the name of the qualifying individual or individuals shall be noted thereon.

(3)(a) At least one member or supervising employee of the business organization shall be qualified under this law in order for the business organization to hold a current certificate in the category of the business conducted for which the member or supervising employee is qualified. If any individual so qualified on behalf of such business organization ceases to be affiliated with such business organization, he shall inform the board as provided in §468.110(2). In addition, if such individual is the only qualified individual affiliated with the business organization, the business organization shall notify the board of the individual's termination and shall have a period of sixty days from the termination of the individual's affiliation with the business organization in which to qualify another person under the provisions of this part, failing which the certification of the business organization shall be subject to revocation by the board.

(b) The individual shall also inform the board in writing when he proposes to engage in contracting in his own name or in affiliation with another business organization; and he or such new business organization shall supply the same information to the board as required for applicants under this part.

(c) After an investigation of the financial responsibility, credit, and business reputation of the individual, or the new business organization, upon a favorable determination, the board shall forthwith issue without charge or examination a new certificate in the individual's name, or in the name of the new business organization, as provided above.

(4) When a certified business organization makes application for an occupational license in any municipality, city, or county of this state, the application shall be made with the tax collector in the name of the business organization; and the license, when issued, shall be issued to the business organization upon payment of the appropriate licensing fee and exhibition to the tax collector of a valid certificate issued by this board.

History.--ch. 67-110.

468.108 Renewal of certificate or registration and restoration.—Certificates and registration shall expire annually at midnight on June 30:
(1) Failure to renew the certificate or registration during June shall cause the certificate or registration to become inoperative, and it is unlawful thereafter for any person to engage or offer to engage or hold himself out as engaging in contracting under the certificate or registration unless the certificate or registration is restored or reissued.

(2) A certificate or registration which is inoperative because of failure to renew shall be restored on payment of the proper renewal fee, if the application for restoration is made within ninety days after June 30. If the application for restoration is not made within the ninety day period, the fee for restoration shall be equal to the original application fee; and in addition, the board may require reexamination of the applicant.

(3) A person who is registered or holds a valid certificate from the board may go on inactive status during which time he shall not engage in contracting but may retain his certificate on an inactive basis on payment of an annual renewal fee during the inactive period, not to exceed ten dollars per year.

History.—Ch. 67-110.

468.109 Fees.—The board shall impose the following fees:

(1) The initial application fee for a certificate shall be fixed by the board not to exceed one hundred fifty dollars.

(2) The initial application fee for registration without examination shall be fixed by the board not to exceed:

(a) General contractor $50.00
(b) Building contractor $25.00
(c) Residential building contractor $10.00
(d) Sheet metal contractor $20.00
(e) Air conditioning contractor, each class $20.00
(f) Roofing contractor $20.00
(g) Mechanical contractor $20.00
(h) Pool contractor $20.00

(3) The annual renewal fees shall be fixed by the board not to exceed one half the above amounts.

(4) Any funds received by the board from certification or registration fees which remain uncommitted and unexpended at the end of each fiscal year shall be paid into the general revenue fund.

History.—Ch. 67-110; §6, ch. 73-205; §1, ch. 73-365.

468.110 Records.—

(1) All information required by the board of any applicant for certification or registration shall be a public record, except financial information and examination grades which are confidential and shall not be discussed with anyone except members of the board and its staff, but the applicant is entitled to see his examination papers and grades. An applicant may waive in writing the confidentiality of his examination for the purpose of discussion at meetings of the board.

(2) If a certificate holder or registrant changes his name style, address or employment from that which appears on his current certificate or registration, he shall notify the board of the change within thirty days after it occurs.

(3) All examinations shall be retained for a period of five years from the date of the examination.

History.—§10, ch. 67-110; §7, ch. 73-205.

468.111 Prohibited activities; penalties.—

(1) It is unlawful for any person to engage in the business or act in the capacity of a contractor without having been duly registered or certified.

(2) Any person who violates any provision of this part or commits any of the acts constituting cause for disciplinary action as hereinafter set forth is guilty of a misdemeanor of the second degree, punishable as provided in §§775.082 or §775.083.

History.—§11, ch. 67-110; §407, ch. 71-136.

468.112 Revocation or suspension of certificate or registration.—

(1) On its own motion or the verified written complaint of any person, the board may investigate the action of any contractor certified or registered under this part and hold hearings pursuant to chapter 120; provided, however, when any complaint involves a contractor certified or registered under this part for acts or omissions occurring in any area of the state which has a local board, the board shall forward the complaint to the municipality, city, or county where the alleged violation occurred for its action. Where no local board exists, the board shall take jurisdiction. The board may take appropriate disciplinary action if the contractor is found to be guilty of or has committed any one or more of the acts or omissions constituting cause for disciplinary action set out herein or adopted as rules or regulations by the board.

(2) The following acts constitute cause for disciplinary action:

(a) Willful or deliberate disregard and violation of the applicable building codes or laws of the state or any municipalities, cities or counties thereof.

(b) Aiding or abetting any uncertified or unregistered person to evade any provision of this part.

(c) Knowingly combining or conspiring with an uncertified or unregistered person by allowing one's certificate or registration to be used by any uncertified or unregistered person with intent to evade the provisions of this part. When a certificate holder or registrant allows his certificate or registration to be used by one or more companies without having any active participation in the operations, management, or control of said companies, this act constitutes prima facie evidence of an intent to evade the provisions of this part.

(d) Acting in the capacity of a contractor
under any certificate or registration issued hereunder except in the name of the certificate holder or registrant as set forth on the issued certificate or registration, or in accordance with the personnel of the certificate holder or registrant as set forth in the application for the certificate or registration, or as later changed as provided in this part.

(2) No action taken by any municipality, city, or county, which action shall be reviewed by the state board before the state board takes any disciplinary action of its own.

(3) The board is authorized to take the following disciplinary action:

(a) Suspend the certificate holder or registrant from all operations as a contractor during the period fixed by the board but the board may permit the certificate holder or registrant to complete any contracts then uncompleted.

(b) Revoke a certificate or registration.

(c) Impose an administrative fine or penalty not to exceed $500.00, which shall be recoverable by the board only in an action at law.

(4) After suspension of the certificate or registration on any grounds set forth in this section, the board may remove the suspension on proof of compliance by the contractor with all conditions prescribed by the board for removal of suspension; or, in the absence of such conditions, as in the sound discretion of the board.

(5) After revocation of a certificate or registration, the certificate or registration shall not be renewed or reissued for at least one year after revocation and then only on a showing of rehabilitation of the contractor.

(6) The lapse or suspension of a certificate or registration by operation of law or by order of the board or a court, or its voluntary surrender by a certificate holder or registrant does not deprive the board of jurisdiction to investigate or act in disciplinary proceedings against the certificate holder or registrant.

(7) The filing of a petition in bankruptcy, either voluntarily or involuntarily, or the making of a composition of creditors or the appointment of a receiver for the business of the registrant or certificate holder may be considered by the board as just cause for suspension of a certificate or registration.

(8) The board may restrain any violation of this part by action in a court of competent jurisdiction.

History.---412, ch. 67-110.

468.113 Application of part II.—

(1) Nothing in this part limits the power of a municipality, city or county to regulate the quality and character of work performed by contractors through a system of permits, fees, and inspections which are designed to secure compliance with and aid in the implementation of state and local building laws or to enforce other local laws for the protection of the public health and safety.

(2) Nothing in this part limits the power of a municipality, city or county to collect occupational licenses and inspection fees for engaging in contracting, or examination fees from persons who are registered with the board pursuant to local examination requirements. However, nothing in this part shall be construed to require general contractors, building contractors, or residential building contractors to obtain additional occupational licenses for specialty work when such specialty work is performed by employees of such contractors on projects for which they have substantially full responsibility and such contractors do not hold themselves out to the public as being specialty contractors.

(3) Nothing in this part limits the power of the municipalities, cities or counties to adopt any system of permits requiring submission to and approval by the municipality, city or county of plans and specifications for work to be performed by contractors before commencement of the work.

(4) Nothing in this part shall be construed to waive any requirements of any existing local ordinance or resolution of a board of county commissioners regulating the type of work required to be performed by specialty contractors.

(5) Any official authorized to issue building or other related permits shall ascertain that the applicant contractor is duly registered in the area where the construction is to take place or certified before issuing the permit. The evidence shall consist only of the exhibit to him of current evidence of certification or registration.

(6) Municipalities, cities or counties may continue to provide examinations for their territorial area, provided that:

(a) To engage in contracting in the territorial area, an applicant must also be registered with the board.

(b) All local contractors, licensing boards or agencies shall transmit annually during May to the board the names of each local licensee, the status of the license, and a report of any disciplinary action taken against the licensee.

(c) A certificate has not been issued by the board.

(7) Upon request the board shall inform local boards annually during October the names of those certified or registered and the status of the certificates or registrations.

(8) The right to create local boards in the future by any municipality, city or county is preserved.

(9) Notwithstanding any provisions to the
contrary in §235.31 about prequalification of bidders, any person holding a certificate shall be deemed qualified to participate in any project contemplated by this section.

(10) This part applies to any contractor performing work for the state or any county or municipality. Officers of the state or any county or municipality are required to determine compliance with this part before awarding any contracts for construction, improvement, remodeling, or repair.

(11) If an incomplete contract exists at the time of death of a contractor, the contract may be completed by any person even though not certified or registered. Such person shall notify the board within thirty days after the death of the contractor of his name and address. For purposes of this subsection, an incomplete contract is one which has been awarded to, or entered into by, the contractor before his death or on which he was the low bidder and the contract is subsequently awarded to him regardless of whether any actual work has commenced under the contract before his death.

(12) No provision in this part shall be construed to permit a contractor to perform electrical, mechanical, or plumbing work for which an examination for a certificate of competency or a license is required, unless such contractor has such certificates of competency or such licenses as may be required by the appropriate local authority. Where the appropriate local authority does not require a certificate of competency or a license for the respective trade in question, the provisions of this subsection shall not apply.

(13) The state or any county or municipality may require that bids submitted for construction, improvement, remodeling, or repair of public buildings be accompanied by evidence that the bidder holds an appropriate certificate of registration issued pursuant to this part II.

History.—§13, ch. 67-110; §§1, 2, ch. 72-27; §6, ch. 73-205.

468.114 Exemptions.—This part does not apply to:

(1) Contractors in work on bridges, roads, streets, highways, railroads, or utilities and services incidental thereto.

(2) A subcontractor or specialty contractor, other than a pool, mechanical, sheet metal, air conditioning, or roofing contractor, whose work is limited to a specific phase of construction and whose responsibility is likewise limited to that particular phase of the construction.

(3) Employees of any person engaged in contracting who are subordinates of such person who is certified or registered to engage in contracting if the employees do not hold themselves out for hire or engage in contracting except as an employee.

(4) An authorized employee of the United States, Florida, or any municipality, city, or county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state as long as the employee does not hold himself out for hire or otherwise engage in contracting except in accordance with his employment.

(5) An officer appointed by a court when he is acting within the scope of his office as defined by law or court order. When construction projects which were not underway at the time of appointment of the officer by the court are undertaken, he shall employ or contract with a registrant or certificate holder.

(6) Public utilities on construction, maintenance, and development work performed by their forces and incidental to their business.

(7) The sale or installation of any finished products, materials, or articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of the structure.

(8) Owners of property building or improving farm outbuildings or one or two-family residences on such property for the occupancy or use of such owners and not offered for sale, or building or improving commercial buildings at a cost of under twenty-five thousand dollars on such property for the occupancy or use of such owners and not offered for sale or lease. In all actions brought under this part, proof of the sale or lease, or offering for sale or lease, of more than one such structure by the owner-builder within one year after completion of same is presumptive evidence that such structure was undertaken for purposes of sale or lease.

(9) Any construction, alteration, improvement, or repair carried on within the limits of any site the title to which is in the United States, nor to any construction, alteration, improvement, or repair on any project where federal law supersedes this part.

(10) Any work or operation of a casual, minor, or inconsequential nature in which the aggregate contract price for labor, materials, and all other items is less than five hundred dollars but this exemption does not apply:

(a) When the construction, repair, remodeling, or improvement is a part of a larger or major operation whether undertaken by the same or a different contractor or in which a division of the operation is made in contracts of amounts less than five hundred dollars for the purpose of evading this part or otherwise.

(b) To a person who advertises or exhibits by any manner or device which might indicate to the public that he is a contractor or otherwise represents that he is qualified to engage in contracting.

(11) Any construction or operation incidental to the construction or repair of irrigation and drainage ditches or regularly constituted irrigation districts, reclamation districts, or clearing or other work on the land in rural districts for fire prevention purposes.
or otherwise except when performed by a certificate holder or registrant under this part.

(12) A registered architect, professional engineer, or residential designer acting in his professional capacity or any person exempted by law in the chapters regulating architects and professional engineers.

(13) Any person who only furnishes materials or supplies without fabricating them into or consuming them in the performance of the work of the contractor.

(14) Any person as defined and licensed under chapter 527.

History. -§14, ch. 67-110; §1, ch. 72-206; §9, ch. 73-206.

PART III
FITTING AND SELLING OF HEARING AIDS

468.120 Short title of part III of this chapter.-This part III may be cited as the "Fitting and Selling of Hearing Aids Act."

History. -§2, ch. 67-421.

468.121 Purpose.-Part III of this chapter requires registration for protection of the public of any person engaged in the fitting or selling of hearing aids, to encourage better educational training programs for such persons to provide against unethical and improper conduct and for the enforcement of this part, and to provide penalties for its violation.

History. -§1, ch. 67-421; §1, ch. 71-223.

468.122 Definitions; corporations, etc.; not prohibited, conditions.-
(1) "Division" means the division of health of the department of health and rehabilitative services.

(2) "Hearing aid" means any instrument or device worn on the human body represented as aiding or improving defective human hearing and any attachments or accessories of such instrument or device, except batteries and cords.

(3) "Registrant" means a person who is engaged in the fitting and selling of hearing aids. A registrant shall be responsible for the acts of all employees or trainees supervised by him in connection with fitting, selling and/or servicing hearing aids.

(4) "Council" means advisory council to the division of health, on hearing aids.

(5) "Trainee" means a person who has not, for the purpose of this part, been engaged as a registrant prior to the effective date of this part, but who desires to become a registrant. Said trainee shall be provided a temporary training certificate of registration upon payment of fee with application, as hereinafter prescribed.

(6)(a) "Fitting" means not only the physical acts of adjusting the hearing aid to the individual, taking audiographs, and making of earmolds, but also counseling, advising, audiograph interpretation, and assisting the purchaser in the selection of a suitable hearing aid. The holder of a certificate of registration granted under part III of this chapter shall be entitled to make such measurements of the dimensions of human hearing, by means of an audiometer or by other means approved by the division of health, as are consistent with the practices, procedures, and instrumentation currently employed by the hearing aid industry.

(b) "Selling" means all acts and agreements pertaining to the selling, renting, leasing, pricing, delivering, and guaranteeing of a hearing aid and other services not related to fitting, as outlined in this part.

(7) "Certificate of registration" shall be synonymous with "license"; "registrant" shall be synonymous with "licensee."

Nothing in this part shall prohibit a corporation, partnership, trust, association or other like organization from engaging in the business of fitting and selling or offering for sale hearing aids at retail without a certificate of registration if it employs registered natural persons in the direct fitting and selling of such products. Such corporations, partnerships, trusts, associations or other like organizations shall also file with the division a statement, on a form approved by the division, that it submits itself to the rules and regulations of the division and the provisions of this part which the division shall deem applicable to it.

History. -§1, ch. 67-421; §§19, 33, ch. 69-106; §§3, 4, ch. 71-223.
§173, ch. 71-277.

468.123 Powers and duties of the division.
In addition to those prescribed by law the powers and duties of the division under this part are as follows:

1. To authorize all disbursements necessary to carry out the provisions of this part and to receive and account for all fees.

2. To supervise and administer qualifying examinations to test the knowledge and proficiency of applicants for registration.

3. To register persons who apply to the division and who are qualified to practice the fitting of hearing aids.

4. To purchase and maintain, rent or acquire, audiometric equipment and facilities necessary to carry out the examination of applicants for registration.

5. To issue and renew certificates of registration and certificates of endorsement to qualified persons.

6. To suspend or revoke certificates of registration and certificates of endorsement pursuant to this part.

7. To appoint representatives to conduct or supervise the examination of applicants for registration.

8. To designate the time and place for examining applicants for certificates of registration.

9. To make, publish, and enforce rules and regulations not inconsistent with the laws of this state which are necessary to carry out the provisions of this part.

10. To require the periodic inspection of audiometric testing equipment and to carry out the periodic inspection of facilities of persons who practice the fitting of hearing aids.

11. To delegate such ministerial duties to the advisory council as the division in its discretion shall deem proper.

12. To conduct investigations into the business and ethical background of any person who makes application for license in order to determine the applicant's qualification for a certificate of registration.


468.124 Advisory council.--

1. An advisory council to the division of health is created to consist of five members, who shall be residents of this state. Three members shall be persons who have been actively engaged in fitting and selling of hearing aids in the state for at least five years prior to appointment. In addition, after the enactment of this part, appointees must hold an unrevoked, unsuspended certificate of registration under this part. One member shall be a diplomate or be eligible for qualification by the American Board of Otolaryngology. One member shall be a person eligible for the certificate of clinical competence in audiology from the American Speech and Hearing Association and actively engaged in the field of audiology in this state. The term of office for members shall be three years, or until their successors are appointed and qualify, except that of the members first appointed, one shall be appointed for one year, two for two years, and two for three years. Members of the council shall be geographically representative of the state, appointed by the governor, and shall act in an advisory capacity to the division.

2. Each member of the council shall be entitled to reimbursement as provided in §112.061.

3. The council shall:

   a. Meet within thirty days after their appointment and elect a chairman from their own number and elect or appoint a secretary who need not be a member of the council, each of whom shall hold office for one year and thereafter until his successor is elected and qualified.

   b. Hold an annual meeting each year and hold other meetings at such times and places as the division or the chairman of the council may direct.

   c. Keep a record of its proceedings, a register of persons whose certificates of registration have been revoked. The books and records of the council shall be prima facie evidence of all matters reported therein and shall be open to inspection by the division at all times.

   d. Recommend to the division examination procedures for applicants, minimum requirements for the testing equipment and procedures necessary in fitting and selling of hearing aids, a code of ethics for the betterment and improvement of the standard of services and procedures to be followed in the fitting and selling of hearing aids and the protection of the public, and do all in its power to encourage the establishment of a specialized educational course of training for all persons wishing to become registered. The council shall be guided by the Federal Trade Commission Trade Practice Rules for the Hearing Aid Industry and by the minimal procedures as herein defined, and shall investigate alleged irregularities in the fitting and selling of hearing aids, and make recommendations to the division with respect thereto.

   e. Make a report each year to the division and the governor of all its official acts during the preceding year.

   f. Upon the request of any person, furnish a list of persons registered under the provisions of this part.

History.--§5, ch. 67-423; §§19, 35, ch. 69-106; §5, ch. 71-223.

468.125 Oath of members of council.--Immediately and before entering upon the duties of said office, the members of the council shall take the constitutional oath of office and shall file same with the department of state which shall issue to said member a certificate of his appointment.

History.--§15, ch. 67-423; §110, 35, ch. 69-106.

468.126 Qualifications of applicants for registration.--

1. Any person engaged in fitting or sell-
ing of hearing aids from an established place of business at a permanent address in the state, open for service during usual business hours for at least two years prior to the enactment of this part, shall, upon application to the division, be entitled to a certificate of registration qualifying him as a registrant, provided that he must pass the qualifying examination within a period of two years after the enactment of this part. Said application shall be made to the division on the forms prescribed by it. Any person who becomes a legal resident of the state and who shall produce evidence that he has had one year's experience in fitting or selling hearing aids can make application to the division for examination and upon passing the examination, and being otherwise qualified as provided in this part, shall be granted a certificate of registration.

(2) Any dealer or salesman in business in this state at the time of the enactment of this part, but who shall not have fulfilled the requirements in subsection (1) of this section, shall be entitled to a certificate of registration upon application to the division, but must pass the qualifying examination within a period of two years after the enactment of this part.

*Note.-Ch. 73-21, Laws of Florida, removed the disability of nonage for persons 18 years of age or older.

(3)(a) Any person desiring registration who is not qualified otherwise shall be issued a trainee temporary certificate of registration by the division only if he is of good moral character, over the age of twenty-one years and is a graduate of an accredited high school or secondary school. However, any person under twenty-one years of age, who marries or has his disabilities of nonage lawfully removed and who successfully completes an approved academic course in fitting and selling hearing aids and who is otherwise legally qualified may be issued a trainee temporary certificate of registration.

(b) Trainee apprenticeship period shall be for six months as follows:

1. Stage I—The trainee shall work for thirty days under the direct control of a registrant. He cannot in any way fit or test the customer.

2. Stage II—This training stage lasts for sixty days. During this period the trainee may do testing necessary for the proper selection and fitting of a hearing aid and make ear impressions. During this period the trainee may not make delivery or final fitting.

3. Stage III—The trainee may engage in all activities of a registered person. He must, however, work under and be responsible to a registrant for the following ninety days.

(c) The above stages must be completed with no interim time lapse between stages. In the event the trainee leaves his place of training without approval of his employer, he loses seniority and must revert to stage I. This ruling is subject to appeal to the division.

(d) After such period has passed, trainee shall take the qualifying examination given by the division for a certificate of registration and upon successfully passing said examination, may obtain a certificate of registration.

(4) If a person who holds a trainee temporary certificate of registration issued under this section fails and takes the qualifying examination, the division may, upon receiving payment of the stipulated temporary certificate of registration fee, renew the temporary certificate of registration for a period ending ten days after the date of the next qualifying examination. A fee of twenty-five dollars shall be paid at the time the qualifying examination is repeated. A trainee temporary certificate of registration may be renewed only once and during this period, the trainee shall continue in stage III of the trainee apprenticeship period.

(5) At such time as a course in fitting and selling of hearing aids, as approved by the division, shall be established in the state, satisfactory completion of this course shall be considered equivalent to stages I and II of the trainee period.

(6) Any person who shall hold an suspended or revoked certificate or license to fit or sell hearing aids in another state may make application to the division for examination in lieu of any trainee period, provided he becomes a legal resident of this state and is otherwise qualified as provided in this part.

(7) No person shall be issued a certificate of registration to fit and sell hearing aids unless he shall show that he has an established place of business at a permanent address in this state open for business during normal business hours or, otherwise qualified as provided in this part.

History.— §73-21, Laws of Florida, removed the disability of nonage for persons 18 years of age or older.

§73-21. Rights, privileges and obligations of persons 18 years of age or older.

468.127 Trainee requirements.—All trainees are required to satisfactorily complete and pass an examination as prescribed by the division. The examination shall be such that it will establish knowledge or proficiency in each of the following:

1. Basic physics of sound.

2. Structure and functions of the hearing mechanism.


5. Pure tone audiometry, air and bone conduction.

6. Live voice or recorded speech audiometry including speech reception, threshold testing and speech discrimination testing.

7. Masking.

8. Interpretation of audiograms and speech scores to determine hearing aid candidacy.

468.128 Fees for registration.—
(1) The certificate of registration fee shall be $50.
(2) The certificate of trainee registration fee shall be $25.
(3) The annual renewal of registration fee shall be $50.
(4) The fee for each examination shall be $25.
(5) The delinquency fee as hereinafter provided shall be $25.

History.—§19, ch. 69-106; §9, ch. 71-223.

468.1281 Disposition of fees.—All fees collected under the provisions of this part shall be paid to the director of the division, who shall deposit said funds with the state treasurer to the credit of the hearing aids and devices trust fund. The cost of administration of this part, including the activities of the advisory council, shall be paid from the moneys collected under the provisions of this part.

History.—§8, ch. 67-423; §§19, 35, ch. 69-106; §9, ch. 71-223.

468.129 Refusal to issue or renew a certificate of registration.—The division may refuse to issue or to renew or may suspend or revoke any certificate of registration after proper public hearing for any of the following causes:
(1) The conviction of a felony or a misdemeanor involving moral turpitude.
(2) When a certificate of registration has been secured by fraud or deceit practiced upon the division.
(3) For unethical conduct or for gross malpractice in the fitting or selling of hearing aids.
(4) Violation of any of the provisions of this part or of any rules or regulations promulgated pursuant to the authority delegated in this part.
(5) Altering a license with fraudulent intent.
(6) Willfully making a false statement in an application for a certificate of registration or application for renewal of a certificate of registration.

History.—§10, ch. 67-423; §§19, 35, ch. 69-106; §10, ch. 71-223.

468.130 Unethical conduct defined.—Unethical conduct shall include:
(1) The obtaining of any fee or the making of any sale by fraud or misrepresentation.
(2) Employing directly or indirectly any suspended or unregistered person to perform any work covered by this part.
(3) Using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated or published, which is misleading, deceiving or untruthful.
(4) Advertising or offering for sale a particular model, type or kind of hearing aid when the offer is not a bona fide effort to sell the product so offered as advertised and at the advertised price. In determining whether there has been a violation of this rule, consideration will be given to actions or practices indicating that the offer was not made in good faith for the purpose of selling the advertised product, but was made for the purpose of contacting prospective purchasers and selling them a product or products other than the product offered. Among actions or procedures which will be considered in making that determination are the following:
(a) The creation, through the initial offer or advertisement, of a false impression of the product offered in any material respect.
(b) The refusal to show, demonstrate or sell the product offered in accordance with the terms of the offer.
(c) The disparagement, by actions or words, of the product offered or the disparagement of the guarantee, credit terms, availability of service, repairs or parts or in any other respect, in connection with it.
(d) The showing, demonstrating, and in the event of sale, the delivery of a product which is unusable or impractical for the purpose represented or implied in the offer.
(e) The refusal, in the event of sale of the product offered, to deliver such product to the buyer within a reasonable time thereafter.
(f) The failure to have access to a quantity of the advertised product at the advertised price sufficient to meet reasonably anticipated demands.
(5) Representing that the professional services or advice of a physician or audiologist will be used or made available in the selling, fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the words “doctor,” “clinic,” “clinical,” “medical, clinical and/or research audiologist,” “audiologic” or any other like words, abbreviations or symbols which tend to connote audiological or professional services when such use is not accurate.
(6) Permitting another to use the certificate of registration.
(7) Representing, advertising or implying that the hearing aid or repair is guaranteed without a clear and concise disclosure of the identity of the guarantor, the nature and extent of the guarantee and any conditions or limitations imposed.
(8) Failure to properly and reasonably accept responsibility for the actions of the registered trainee.
(9) Using any advertisement or other representation which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into the belief that any hearing aid or device, or part or accessory thereof, is a new invention or involves a new mechanical or scientific principle, when such is not the fact.
(10) Representing, directly or by implication, that a hearing aid utilizing bone conduction or with specified features such as the absence of anything in the ear, or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

(11) Making any predictions or prognostications as to the future course of a hearing impairment, either in general terms or with reference to an individual person.

(12) Stating or implying that the use of any hearing aid will improve or preserve hearing, prevent or retard progression of a hearing impairment, or that it will have any similar or opposite effect.

(13) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

(14) Representing or implying that a hearing aid is or will be custom made, "made to order," "prescription made," or in any other sense specially fabricated for an individual person when such is not the case.

History.—§11, ch. 67-423; §11, ch. 71-223.

468.131 Procedure for revocation, suspension, etc.—

(1) No certificate of registration shall be denied, revoked, or suspended except after written notice by registered mail to the applicant or registrant setting forth the particular reasons for the proposed actions and the right to a hearing if demanded by the applicant or registrant.

(2) Any applicant or registrant who desires a hearing shall, within twenty days after service of notice, request a hearing in writing by registered mail, said request to be delivered to the director of the division.

(3) When an applicant or registrant requests a hearing, he shall be notified, either personally or by registered mail, as to the time and place at least thirty days before the time fixed for the hearing.

(4) If no request for hearing is duly made, the director of the division shall deny, revoke, or suspend the certificate without hearing.

(5) If a hearing is requested, it shall be conducted pursuant to the applicable provisions of chapter 120, part II, and §468.132.

History.—§12, ch. 67-423; §§19, 35, ch. 69-106; §12, ch. 71-223.

468.132 Conduct of hearing, witnesses, evidence, etc.—

(1) For the purpose of such hearing, the division shall have the power to require the production of books, papers or other documents and may issue subpoenas to compel the defendants or witnesses to testify and produce such books, papers or other documents in their possession as may be, in the opinion of the division, relevant to any hearing before it, said subpoenas to be served by the sheriff of the county where the witness resides or may be found. Such witnesses shall be entitled to the same per diem and mileage as witnesses appearing in the circuit court of the state, which shall be paid by said division from the fees collected under this part. The division may administer oaths or affirmation to witnesses appearing before it. Subpoenas may be so issued for and in behalf of the defendant at his expense.

(2) If any person shall refuse to obey any subpoenas so issued or shall refuse to testify or produce books, papers or other documents required by the division, the division may present its petition to the circuit court of the county where any such person is served with the subpoena or where he resides, setting forth the facts, and shall deposit with said court, when such subpoena is issued in its behalf, the per diem and mileage to secure the attendance of such witness (the defendant may make like deposits), whereupon said court shall issue its rule nisi to such person requiring him to obey forthwith the subpoena issued by the division or show cause why he fails to obey the same, and unless the said person shows sufficient cause for failing to obey the said subpoena, the court shall forthwith direct such person to obey the same, and upon his refusal to comply, he shall be adjudged in contempt of court and shall be punished as the court may direct.

The division may delegate to a hearing examiner, or examiners, authority to conduct hearings, and the hearing examiner shall make recommendations to the division.

(3) If the division shall be satisfied, from the evidence and proofs submitted, that the accused has been guilty of any of the charges mentioned in §468.129, it shall thereupon without further notice take such action upon the charges and impose such penalties as it may be advised under said §468.129. The records of the division shall reflect the action of the division upon the charges.

(4) The division shall preserve a record of such proceedings in a similar manner as records in court proceedings are kept and preserved in the circuit courts of this state.

History.—§13, ch. 67-432; §§19, 35, ch. 69-106.

468.133 Review of orders of the division by the circuit courts; procedure and venue.—

(1) The final order of the division in proceedings for the suspension or revocation of certificates of registration shall be subject to review by the Circuit Court of Leon County, or the county wherein the registrant has recorded his certification of registration and has his principal place of business, or of the county wherein the books and records of the division are kept.

(2) All other final orders of the division, under this part, shall be subject to review in the same courts.

(3) All such reviews shall be obtained by filing a petition for the issuance of a writ of certiorari with the appropriate circuit court in the manner provided by the Florida Appellate Rules.
(4) Any interested party may appeal from the decision of the circuit court to the district court of appeal having appellate review over said circuit court and in the manner and within the time provided by the Florida Appellate Rules.

History.—s. 114, ch. 67-432; s. 35, ch. 69-106.

468.134 Application for certificates, etc.—
(1) No person shall fit or sell hearing aids in this state unless such person has complied with the requirements hereof as to registration and licencing. Every person now lawfully engaged in fitting or selling of hearing aids and every person hereafter duly registered to fit or sell hearing aids shall, on or before January 1 of each year, apply to the division for a certificate of registration upon a blank form to be furnished by the division and shall pay the regular annual fee, plus a delinquency fee of twenty-five dollars for each year or fraction thereof that he failed to register.

(2) A person in making his first registration hereunder shall write or cause to be written upon the application blank so furnished by the division his full name, post office and residence address, the date and number of his certificate of registration and such other facts as may be necessary, and shall duly execute and verify the same before an officer authorized to take acknowledgments of deeds and shall file the same with the division. Registration subsequent to the first registration need not be upon sworn affidavit, and shall be at the time of such registration, or any time thereafter, upon written application addressed to the last known post office address of such person. In the event of a change of address of such person, change of name, or other change in the information required by the provisions of this part, the applicant shall file with the division a new application which shall be used in fitting and selling hearing aids in this state, upon his application therefor in a particular case for reasons satisfactory to it, may require the application be under oath.

(3) The division on or before October 1 of each year after the first registration shall mail or cause to be mailed to each registered person a blank form of application for registration addressed to the last known post office address of such person. The form of such application shall be such as to contain space for the insertion by the applicant of the information required by the provisions of this part.

(4) The division shall issue to any duly registered person fitting and selling hearing aids in this state, upon his application therefor in accordance with the provisions hereof, a certificate of registration under the seal of the division for the year ensuing and ending December 31.

(5) Each registered person shall conspicuously display his proper registration certificate in his place of business at all times.

History.—s. 115, ch. 67-432; s. 35, ch. 69-106; s. 13, ch. 71-223.

468.135 Minimal procedures and equipment.—The following minimal procedures and equipment shall be used in the fitting and selling of hearing aids:

(1) Pure tone audiometric testing by air and bone to determine the degrees and type of hearing deficiency. Effective masking.

(2) Appropriate testing to determine speech reception threshold, speech discrimination, most comfortable sound tolerance level and selection of the best ear for maximum hearing aid benefit. Selection of an instrument that will best compensate for the degree of loss and tolerance level and provide a frequency amplification curve that will give the best speech discrimination possible.

(3) Equipment:
   (a) Pure tone audiometer which shall meet with the American Standards Association specifications for diagnostic audiometers.
   (b) Speech audiometer or a master hearing aid in order to determine most comfortable listening level and speech discrimination.

(4) Final fitting insuring physical and operational comfort of the aid.

(5) Medical clearance: If, upon inspection of the ear canal with an otoscope, in the common procedure of a hearing aid fitter, and upon interrogation of the client, there is any recent history of infection or any observable anomaly, the client shall be instructed to see a physician, and a hearing aid shall not be fitted until medical clearance is obtained for the condition noted. Any person with a significant difference between bone conduction and air conduction hearing must be informed of the possibility of medical correction.

(6) A hearing aid office will have available or access to a selection of hearing aid models, hearing aid supplies and services complete enough to accommodate the various needs of the hearing aid wearers, such as:
   (a) An adequate stock of hearing aids including an appropriate selection of receivers.
   (b) An adequate selection of accessories.
   (c) Maintain, or have access to, facilities for making ear molds.

(7) The division shall have the power to prescribe minimum procedures and the equipment which shall be used in fitting and selling of hearing aids which may be different than that which is provided herein in order to utilize devices and equipment which may hereafter be adopted by the division as more efficient procedures and equipment.

History.—s. 116, ch. 67-432; s. 35, ch. 69-106.

468.136 Receipt required to be furnished to person supplied with hearing aid.—Every person who fits and sells hearing aids shall deliver to each person there supplied with a hearing aid a receipt which shall contain his signature and show the address of his regular place of business and the number of his certificate of registration, together with the brand, model and serial number of the hearing aid furnished and amount charged therefor. Said receipt shall also specify whether the hearing aid is new, used or rebuilt, and the length of time of the guarantee and by whom guaranteed.

History.—s. 117, ch. 67-432.
468.137 Part III of this chapter not applicable to persons in certain professions.—

(1) This part III shall not apply to a person while he is engaged in the practice of recommending hearing aids if his practice is part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a public, charitable institution or nonprofit organization which is primarily supported by voluntary contribution, provided this organization does not dispense or sell hearing aids or accessories.

(2) This part shall not apply to any physician licensed to practice in the State of Florida.

PART IV
SPEECH PATHOLOGY AND AUDIOLOGY

468.139 Short title of part IV of this chapter.
468.140 Legislative intent and purpose.
468.141 Definitions of terms.
468.142 Certification of speech pathologists and audiologists.
468.1425 Students, interns, trainees; fees.
468.143 Administration of this part; certification qualifications; examinations.

468.139 Short title of part IV of this chapter.—This part IV of chapter 468 may be cited to be administered by the department of education of Florida.

468.140 Legislative intent and purpose.—It is declared that the practice of speech pathology or audiology is a privilege which is granted to qualified persons by legislative authority in the interest of public health, safety, and welfare, and in enacting this law it is the intent of the legislature to require educational training and certification of any person who engages in the practice of speech pathology and audiology; to encourage better educational training programs; to prohibit the unqualified practice of speech pathology and audiology and the unprofessional conduct by persons certified to practice speech pathology and audiology; and to provide for enforcement of this part and penalties for its violation.

468.141 Definitions of terms.—In this part unless the context or subject matter otherwise requires:

"Speech pathologist" means any person who examines, evaluates, treats, or counsels, for which a fee may be charged, persons suffering, or suspected of suffering, from disorders or conditions affecting hearing or assists persons in the perceiving of sound or improving the senses by which noises and tones are received as stimuli to the auditory faculties. A person is deemed to be a speech pathologist if he offers such services to the public under any title incorporating the terms "speech pathology," "speech pathologist," "speech correction," "speech correctionist," "speech therapy," "speech therapist," "speech clinic," "speech clinician," "voice therapist," "language therapist," "aphasia therapist," "communication disorder specialist," or "communication therapist."

"Audiologist" means any person who engages in the practice of speech pathology and audiology; to encourage better educational training programs; to prohibit the unqualified practice of speech pathology and audiology and the unprofessional conduct by persons certified to practice speech pathology and audiology; and to provide for enforcement of this part and penalties for its violation.

"Council" shall mean the Florida state advisory council of speech pathology and audiology.

"Audiology aide" mean those persons meeting the minimum qualifications established by the department for speech pathology and audiology aides who work directly under the supervision of a speech pathologist or audiologist, respectively. The qualifications for registration as an aide shall be uniform, but shall be less than those prescribed for a speech pathologist or audiologist.

(4) "Council" shall mean the Florida state advisory council of speech pathology and audiology.

(5) "Department" shall mean the department of education.

468.144 Advisory council; appointment; terms; powers; duties; expenses.
468.145 Certification under special conditions.
468.146 Fees.
468.147 Suspension or revocation of certification.
468.148 Exemptions.
468.149 Penalties.
468.142 Certification of speech pathologists and audiologists.—

(1) No person shall practice, or hold himself out as being able to practice, speech pathology or audiology in this state unless he is certified by the department in accordance with the provisions of this part. However, nothing in this part shall prohibit any person licensed in this state under any other law from engaging in the profession for which he is licensed.

(2) Nothing in this part shall prohibit a corporation, partnership, trust, association, or other like organization from engaging in the business of speech pathology or audiology without certification if it employs certified natural persons in the direct practice of speech pathology or audiology. Such corporations, partnerships, trusts, associations, or other like organizations shall also file with the department a statement, on a form approved by the department, that it submits itself to the rules and regulations of the department and the provisions of this part which the department shall deem applicable to them.

History.—§3, ch. 69-395; §§15, 35, ch. 69-106.

468.1425 Students, interns, trainees; fees.—Fees may be charged for speech pathology services and audiologic services rendered by a student, intern, or trainee actively engaged in a qualified training program only if:

(1) The student, intern, or trainee renders such services as part of fulfilling required clinical practicum;

(2) The student, intern, or trainee renders such services under the direct supervision of a certified speech pathologist or audiologist; and

(3) The student, intern, or trainee is not a direct recipient of such fees, either complete or partial.

History.—§4, ch. 69-295; §115, 35, ch. 69-106.

468.143 Administration of this part; certification qualifications; examinations.—

(1) The department shall administer, coordinate, and enforce the provisions of this part, evaluate the qualifications of applicants, supervise the examination of applicants, and be responsible for the granting of certificates to qualified persons and for withholding certificates from unqualified persons. It may issue subpoenas, examine witnesses, and administer oaths, and shall investigate persons engaging in practices which violate the provisions of this part.

(2) The department shall conduct such hearings and keep such records and minutes as shall be necessary to an orderly dispatch of business.

(3) The department shall adopt reasonable rules and regulations, including but not limited to regulations which establish ethical standards of practice, and may amend or repeal the same in accordance with the Florida administrative procedures act.

(4) The department shall annually issue a list of the names of the persons currently certified under the provisions of this part and furnish the council with a copy of same.

(5) The conferral or enumeration of specific powers elsewhere in this part shall not be construed as a limitation of the general powers conferred by this section.

(6) The commissioner of education shall meet with the council at least once per year to discuss such subjects as policy, administration of this part, qualifications and examination of applicants, and other similar matters.

(7) To be eligible for certification by the department as a speech pathologist or audiologist, the applicant shall:

(a) Be of good moral character.

(b) Submit transcripts from one or more accredited colleges or universities presenting evidence of the completion of sixty semester hours constituting a well-integrated program that includes eighteen semester hours in courses that provide fundamental information applicable to the normal development and use of speech, hearing, and language and forty-two semester hours in courses that provide information about and training in the management of speech, hearing, and language disorders and that provide information supplementary to these fields. Of these forty-two semester hours:

1. No fewer than six may be in audiology for the speech pathologist or in speech pathology for the audiologist;

2. No more than six may be in courses that provide academic credit for clinical practice;

3. At least twenty-four, not including credit for thesis or dissertation, must be in courses in the field in which the registration is requested; and

4. Thirty must be in courses acceptable toward a graduate degree by the college or university in which these courses are taken.

(c) Submit evidence of the completion of two hundred seventy-five clock hours of supervised, direct clinical experience with individuals presenting a variety of disorders of communication, the experience being obtained within the training institution or in one of its cooperating programs.

(d) Present written evidence from employers or supervisors of nine months of full-time professional employment pertinent to the certification being sought. This experience must follow the completion of the requirements set forth in paragraphs (b) and (c).

(e) Pass an examination promulgated or approved by the department which demonstrates that the applicant has a fundamental knowledge of:

1. The normal psychological, anatomical,
and cultural development of speech, hearing, and language;

2. The current principles, procedures, techniques, and instrumentation used in evaluating speech;

3. The disorders of speech and hearing and their classifications, causes, and manifestations;

4. The principles and remedial procedures used in habilitation and rehabilitation for disorders of communications; and

5. The relationships between speech, language, and hearing problems, and which demonstrates his capability for the organization and administration of programs designed to provide direct service to those who suffer from disorders of communication.

(8) An applicant possessing the required training and qualifications to be certified as both a speech pathologist and audiologist shall receive dual certification, which for the purposes of the fees charged by §468.146 shall be considered as a single certification.

History.—§15, ch. 69-395; §§115, 35, ch. 69-106; §1, ch. 70-238.

468.144 Advisory council; appointment; terms; powers; duties; expenses.—(1) An advisory council to the department is created and shall consist of five persons who are residents of the state and shall be appointed by the department. To be eligible for appointment to the council, a registrant shall have been in the actual practice or vocation of speech pathology or audiology not less than five years prior to his appointment, and be certified under this part. In addition, after enactment of this part, appointees shall hold an unrevoked, unsuspended certificate under this part. The term of office for members shall be for three years, or until their successors are appointed and qualify, except that terms of the members appointed first shall be as follows: One shall be appointed for one year; two for two years; and two for three years.

(2) Members of the council shall receive no compensation for their services; however, they shall be entitled to reimbursement for necessary traveling expenses pursuant to §112.061 from funds derived from fees collected under the provisions of this part.

(3) When a vacancy on the council occurs, the Florida speech and hearing association shall recommend not less than three persons to fill each vacancy, and the department shall make its appointment from the persons so nominated.

(4) The council shall reorganize annually and select a chairman.

(5) Three members of the council shall constitute a quorum to do business.

(6) No person shall be appointed to serve more than two consecutive terms.

(7) The council shall recommend to the department examination procedures for applicants, minimum requirements for qualification, and a code of ethics for the betterment and improvement of the standard of practice for speech pathologists and audiologists. The council shall do all in its power to encourage the continuation and improvement of specialized educational courses of training to the department. The council shall also investigate alleged irregularities in the practice of speech pathology and audiology and make recommendations to the department with respect thereto.

(8) The council shall submit to the department each year recommendations and findings for the improvement of the practice of speech pathology and audiology.

(9) The council shall submit a report to the department of all its official acts during the preceding year.

(10) Upon the request of any person, the council shall furnish a list of persons registered under the provisions of this part.

(11) The council shall adopt a seal by which it shall authenticate its proceedings. Copies of the proceedings, records and acts of the council and certificates purporting to relate the facts concerning such proceedings, records and acts signed by the secretary and authenticated by said seal, shall be prima facie evidence thereof in all the courts of this state.

History.—§16, ch. 69-395; §§115, 35, ch. 69-106.

468.145 Certification under special conditions.—The department may waive the examination and educational requirements for any of the following:

(1) Applicants who are, on July 9, 1969, actively engaged in the practice of speech pathology or audiology, or who purport to be engaged in the practice of speech pathology or audiology, in the state upon proof of bona fide practice presented to the department in the manner prescribed in the department's regulations. The application of any such applicant shall be filed with the department on or before December 31, 1969.

(2) Applicants who present proof of current certification or licensure in a state which has standards at least equal to those for registration in Florida.

(3) Applicants who have received the certificate of clinical competence of the American speech and hearing association.

(4)(a) Applicants who are certified by the State of Florida to teach speech pathology and audiology, were so certified as of July 9, 1969, and were actively engaged in such teaching under their certificate as of July 9, 1969.

(b) Nothing in this subsection shall prohibit a previously laryngectomized individual from rendering guidance and instruction, if the patient is under the supervision of a speech pathologist certified by this part, or a physician licensed under chapter 458 or chapter 459 and qualified to perform this surgical procedure.

History.—§7, ch. 69-395; §§15, 35, ch. 68-106; §§1, ch. 72-232.
468.146 Fees.—
(1) The department shall charge an application fee to applicants of twenty-five dollars, which fee shall also include the cost of certification for the period preceding the annual renewal date.
(2) On or before January 31 of each year following the year of initial application, the department shall charge an annual certification renewal fee of twenty-five dollars. The fees promulgated by the department shall be in addition to those of any municipality requiring any registrant under the provisions of this part to furnish any bond, pass any examination, or pay any license fee or occupational tax.
(3) Any person, otherwise qualified and certified by the department, not in the active practice of speech pathology or audiology, may register with the department for a nonactive certificate at an annual fee of ten dollars.
(4) The proceeds or receipts derived from the certification fees shall be applied first to the costs of administration of this part, including activities of the advisory council, and the balance, at the discretion of the department, shall be transferred to the general revenue fund. The department shall be the custodian for all funds collected.

History.—§8, ch. 69-395; §115, 35, ch. 69-106; §2, ch. 70-238; §1, ch. 70-439.

468.147 Suspension or revocation of certification.—A certificate may be suspended or revoked after due notice and administrative hearing in accordance with the provisions of chapter 120 and upon a finding of fact showing that the registrant has:

(1) Violated any provision of this chapter.
(2) Violated any lawful order, rule, or regulation rendered or adopted by the department.
(3) Been convicted of a felony by any court in the United States.
(4) Obtained his registration or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts.
(5) Been found guilty of gross misconduct in the pursuit of his profession.

History.—§10, ch. 69-395; §3, ch. 70-238.

468.148 Exemptions.—The provisions of this part shall not apply to:

(1) Students, interns, or trainees actively engaged in a training program or persons accruing the first nine months of full-time professional employment required in §468.143(7)
(d) if said persons are acting under the direct supervision of a certified speech pathologist or audiologist.
(2) Persons practicing a licensed profession or operating within the scope of their profession or employed by someone operating within the scope of their profession, such as doctors of medicine, clinical psychologists, nurses, and persons fitting and selling hearing aids who are properly licensed or registered under the laws of the state.

History.—§11, ch. 69-395; §409, ch. 71-136.

PART V
ELECTRONIC REPAIR

468.150 Short title.—This part V may be cited as the Florida electronic repair act of 1970.

History.—§11, ch. 70-111.

468.151 Definitions.—As used in this part:
(1) “Person” means any firm, partnership, association, or corporation.
(2) “Department” means the department of business regulation.
(3) “Division” means the division of general regulation of the department of business regulation.

468.152 Bureau of electronic repair dealer registration.

468.153 Powers and duties of the division.

468.154 Advisory council: duties.

468.155 Registration procedures.

468.156 Fees.

468.157 Disposition of moneys received; payment of expenses.

(4) “Bureau” means the bureau of electronic repair dealer registration in the division of general regulation.
(5) “Chief” means the chief of the bureau of electronic repair dealer registration.
(6) “Board” means the board of business regulation in the department of business regulation.
(7) “Advisory council” means the advisory council to the bureau of electronic repair dealer registration.
(8) “Service dealer” means a person who, for compensation, engages in the business of
repairing, servicing, or maintaining televisions, radios, tape recorders, or phonograph equipment normally used or sold for use in the home.

(9) "Complainant" means the customer of a service dealer who has complained to the chief concerning a service dealer.

History.—§2, ch. 70-111; §1, ch. 70-439; 827, ch. 73-333.

468.152 Bureau of electronic repair dealer registration.—There is created within the division of general regulation of the department of business regulation the bureau of electronic repair dealer registration. The division shall administer and enforce the provisions of this part. The division shall appoint, with the approval of the board of business regulation, a bureau chief. The chief shall have had at least ten years experience in the retail electronic repair business immediately preceding his appointment as chief. The chief shall serve under the direction of the division. All powers granted to or duties imposed upon the division under this part may be exercised in the name of the division by the bureau as the division may prescribe.

History.—§3, ch. 70-111; §1, ch. 70-439.

468.153 Powers and duties of the division.—The division shall:

(1) Inquire into the practices of the radio, phonograph, and television repair industry and into the functions of the bureau and the policies thereof and take such appropriate action as may be considered important for the welfare of the consuming public;

(2) Consider and make appropriate recommendations on its own initiative as to changes in, addition to, or deletions of, regulations which the division has adopted;

(3) Collect such information and data as are necessary to the proper administration of this part;

(4) Gather evidence of violations of this part and of any regulations established hereunder by any service dealer, whether registered or not, and by any employee, partner, officer, or member of any service dealer;

(5) Conduct spot check investigations of service dealers throughout the state on a continuous basis on its own initiative;

(6) Distribute to each registered service dealer copies of this part and of any regulations adopted hereunder, and it may establish and enforce such regulations as may be reasonable for the conduct of service dealers and for the general enforcement of the various provisions of this part for the protection of the consuming public; and

(7) Keep a complete record of all registered service dealers and annually prepare a roster showing the names and addresses of such dealers which shall be made available to the public at a reasonable cost.

History.—§11, 4, ch. 70-111; §1, ch. 70-439.

468.154 Advisory council; duties.—

(1) There is created within the division an advisory council of five members appointed by the governor. Each member shall have been a resident of the state for at least five years. Three members shall have been engaged in the electronic repair business for at least five years prior to their appointment. Two members shall have demonstrated by previous action their interest in consumer protection. Members of the advisory council shall serve for four years, initial appointments to be staggered. The governor is empowered to fill any vacancies that may occur on the council from time to time. The advisory council shall meet at least once every four months and may hold special meetings at the call of the chairman at any time or place within the state. The advisory council shall, at its first regular meeting to be held within three months from January 1, 1971, organize and elect from among its members a chairman and a secretary. Thereafter elections for secretary and chairman shall be held annually. A majority of the members of the advisory council shall constitute a quorum at all advisory council meetings, provided at least one member appointed for having shown an interest in consumer protection is present. No member of the advisory council shall be paid a salary but each member shall receive necessary expenses while attending advisory council meetings and reimbursement, including travel, in performance of his duties as provided in §112.061.

(2) The advisory council shall:

(a) Confer and advise with the division as to how the bureau may best fulfill its functions; and

(b) Consider and make appropriate recommendations in all matters submitted to it by the division.

History.—§15, ch. 70-111; §1, ch. 70-439.

468.155 Registration procedures.—Each service dealer shall pay a fee as herein provided for each place of business operated by him in this state and shall register with the division upon forms prescribed by it. If the business is to be carried on under a fictitious name, such fictitious name shall be stated. If the service dealer is a partnership, identifying data shall be stated for each partner. If the service dealer is a corporation, data shall be included for each of the officers and directors of the corporation as well as the individual in charge of each place of the service dealer's business in the state and each individual employed for the purpose of repairing or servicing equipment covered by this part, subject to such regulations as the division may make. Upon receipt of the required fee, the division shall, if the applicant is of good moral character, validate the registration and send a proof of such validation to the service dealer. The division shall by regulation prescribe conditions upon which a person whose registration has previously been invalidated or refused may have his registration validated. A registration shall cease to be valid if not renewed.
468.156 Fees.—The fees prescribed by this part shall be set by the division according to the following schedule:

1. The service dealer registration fee shall not be less than $25 or more than $50 for each place of business in this state for the purposes of repairing, servicing, or maintaining electronic equipment. Receipt of electronic equipment at a location for forwarding elsewhere to be repaired, serviced, or maintained shall not render such location subject to said fee;

2. The annual renewal fee for a service dealer registration shall not be less than $25 or more than $50 for each place of business in this state, if renewed prior to the expiration date;

3. The late fee shall be an amount equal to 50 percent of the renewal fee in effect on the last preceding renewal date.

468.157 Disposition of moneys received; payment of expenses.—All moneys received by the bureau of electronic repair dealer registration shall be deposited to the credit of the general revenue fund unallocated. All expenses incurred by the bureau of electronic repair dealer registration in administering statutes relating to electronic repair dealer registration shall be paid from funds appropriated for these purposes to the department of business regulation.

468.158 Service dealer; transactions, records.—All work done by a service dealer shall be recorded on an invoice in such detail as is required by regulations issued by the division and shall describe all service work done and all parts supplied. If any used parts are supplied, the invoice shall clearly state that fact. One copy shall be given to the customer and one copy retained by the service dealer for a period of at least one year. The service dealer shall return replaced parts to the customer excepting such parts as may be exempted from this requirement by regulations of the division and excepting such parts as the service dealer needs to return to the manufacturer or distributor under a warranty arrangement. If a customer requests an estimate for labor and parts necessary for a specific job, the service dealer shall make such an estimate in writing and may not charge for work done or parts supplied in excess of the estimate, plus 10 percent, without previous consent of the customer. A reasonable fee for making an estimate may be charged by the service dealer. A service dealer may not make the compensation of any employee, partner, officer, or member dependent upon the value of parts replaced in any equipment by, or with the consent of, such employee, partner, officer, or member. The use of the word "guarantee" and words of like import shall conform to the regulations adopted by the division. Each service dealer shall maintain such records as are required by regulations adopted to carry out the provisions of this part. Such records shall be open for reasonable inspection by the division or its representative.

468.159 Invalidation of registration; civil penalties.—

1. The division may refuse to validate or may invalidate temporarily or permanently the registration of a service dealer for any of the following acts or omissions related to the conduct of his business done by himself or any employee, partner, officer, or member of the service dealer:

   a) Making or authorizing any statement or advertisement which is untrue or misleading and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading;

   b) Making any false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service, or maintenance of the equipment covered by this part;

   c) Acting for more than one customer in a transaction without the knowledge or consent of all parties thereto;

   d) Committing any other act which constitutes fraud or dishonest dealing;

   e) Committing any act which constitutes gross negligence; or

   f) Failing in any material respect to comply with the provisions of this part or regulations adopted pursuant thereto.

2. In lieu of the invalidation of registrations described in subsection (1), the division may impose civil penalties against the holders of such registration for violations of this act or rules and regulations relating thereto. No civil penalty so imposed shall exceed $500 for each offense, and all amounts collected shall be deposited to the credit of the general revenue fund. If the holder of such registration fails to pay the civil penalty, his registration shall be temporarily invalidated for such period of time as the division may specify.

3. The division may impose a civil penalty against a service dealer of up to and including $50 multiplied by the number of years and part of a year in which said service dealer has been operating without a valid registration.

468.160 Appeals to the board.—Refusal by
the division to validate, and a decision temporarily or permanently to invalidate, a registration may be appealed to the board by such procedures as adopted by the board of business regulation and filed with the department of state as administrative rules pursuant to chapter 120.

**History.**—§7, ch. 70-111; §1, ch. 70-439; §126, ch. 71-355.

### 468.161 Informal adjustment of complaints

The division shall establish procedures for accepting complaints from the public against any service dealer. If a complaint does not appear to state any violation of this part or of the rules and regulations made pursuant to this part, the division shall so advise the complainant and take no further action. If such complaint indicates a possible violation of this part or of said rules, the division shall advise the service dealer of the contents of the complaint and, after the service dealer has had reasonable opportunity to reply thereto, the division shall make a summary investigation of the facts. If, upon summary investigation, it appears to the division probable that a violation has occurred, the division, in its discretion, may suggest measures that would compensate the complainant for the damages he has suffered as a result of the alleged violations. If the service dealer accepts the division's suggestions and performs accordingly, the division shall give such fact due consideration in any subsequent disciplinary proceeding. If the service dealer declines to abide by the suggestions of the division, the division may investigate further and institute disciplinary proceedings in accordance with the provisions of this part.

**History.**—§10, ch. 70-111; §1, ch. 70-439.

### 468.162 Penalty

Any person who violates any of the provisions of this part shall be guilty of a misdemeanor of the second degree, punishable as provided in §775.082 or §775.083.

**History.**—§8, ch. 70-111; §410, ch. 71-136.

### 468.1625 Assignment of bureau's powers and duties

Notwithstanding anything in this part to the contrary, the head of the department of business regulation may, in its discretion, assign the powers, duties and responsibilities of the bureau of electronic repair dealer registration as provided herein to the office of the executive director of the department or to any division of the department.

**History.**—§12, ch. 70-111.

### PART VI

**NURSING HOME ADMINISTRATORS**

468.163 Purpose.

468.164 Definitions.

468.165 Administrator license required.

468.166 Board of examiners.

468.167 Powers and duties.

468.168 Qualifications for admission to examination.

468.169 Examinations.

468.170 Licenses.

468.171 Registration.

468.163 **Purpose**—The purpose of this part VI is to provide for the licensure and registration of nursing home administrators and the establishment of a board of examiners to be known as the "Florida state board of examiners of nursing home administrators" as part of the department of professional and occupational regulation.

**History.**—§11, ch. 70-428.

468.164 **Definitions**—As used in this part: (1) "Board" means the Florida state board of examiners of nursing home administrators.

(2) "Examiner" means a member of the Florida state board of examiners of nursing home administrators.

(3) "Nursing home administrator" means a professional nursing home administrator who is a person duly licensed by the Florida state board of examiners of nursing home administrators as being of good moral character and who, by reason of special knowledge and skills acquired by professional education or training or by experiencia, is deemed qualified by the board to be a person capable of being charged with the general administration of a nursing home.

(4) "Practice of nursing home administration" means any professional service or creative work requiring nursing home administration education, training, or experience and the application of such to the planning, organizing, staffing, directing, and controlling of the total management of a nursing home. A person shall be construed to practice or to offer to practice nursing home administration, within the meaning and intent of this definition: (a) Who practices any of the above professional services or creative work.

(b) Who, by written or verbal claim, sign advertisement, letterhead, card, or in any other way represents himself to be a professional nursing home administrator or through the use of some other title implies that he is a professional nursing home administrator.

(c) Who holds himself out as able to per-
form, or does perform, any form of nursing home administration.

(5) "Nursing home" means a facility providing nursing services as defined in chapter 400.

(6) "Emergency permit to practice" means a permit issued to an individual by the board to administer a specified facility for a period not to exceed ninety days and which is not renewable. An individual who has an application on file and who requests an emergency permit to practice shall pay a fee of $10, no part of which shall be refundable. To qualify for an emergency permit to practice, the applicant by virtue of his application shall provide evidence of good moral character, suitability, and the ability to meet such other standards as are established by the board.

(7) "Nursing home administrator-in-training" means an individual registered as such under the provisions of this part.

History.—§3, ch. 70-428; §§1, 9, ch. 73-204.

468.165 Administrator license required.—

Effective July 1, 1970, no nursing home in the state may operate unless it is under the management of an administrator who holds a currently valid nursing home administrator's license and registration or emergency permit, issued pursuant to this part. No person shall practice or offer to practice nursing home administration in this state, or use any title, sign, card, or device to indicate that he is a nursing home administrator, unless such person has been duly licensed and registered as a nursing home administrator as required by this part.

(2) Nothing in this part or in the rules and regulations adopted hereunder shall be construed to require an applicant for a license as a nursing home administrator who is certified by a recognized church or religious denomination which teaches reliance on spiritual means alone for healing as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teachings, to demonstrate proficiency in any medical techniques or to meet any medical standards not in accord with the remedial care and treatment provided in such institutions.

History.—§3, ch. 70-428; §2, ch. 73-204.

468.166 Board of examiners.—

(1) The present members of the Florida nursing home council created under former §400.24, are hereby redesignated as the board of examiners. In addition, on July 7, 1970, the governor, subject to confirmation by the senate, shall appoint to the board one hospital administrator who has demonstrated an interest in the care of long-term patients and infirm aged patients; and one registered nurse who has at least a baccalaureate degree and is currently employed in the field of geriatric nursing. Each shall hold office for a period of four years. All members of the board shall continue in office until the expiration of their terms. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(2) Upon the expiration of the terms of the present board, the governor, subject to confirmation by the senate, shall appoint a board of examiners composed of eleven members. The board shall consist of:

(a) One representative of the division of health of the department of health and rehabilitative services;

(b) Six nursing home administrators licensed and registered in this state;

(c) One doctor of medicine licensed in this state who has demonstrated an interest in the care of long-term patients;

(d) One hospital administrator who has demonstrated an interest in the care of long-term patients and infirm aged patients;

(e) One hospital administrator who has demonstrated an interest in the care of long-term patients and infirm aged patients;

(f) One member from the public at large who has demonstrated a concern for the chronically ill and infirm aged patients.

(3) Not more than two members of the board shall be officials or full-time employees of state or local governments.

(4) Each member of the board, before beginning his term of office, shall receive a certificate of appointment and shall file the constitutional oath of office.

(5) The governor may remove from office any board member for misconduct, incapacity, incompetence, or neglect of duty after the member so charged has been served with a written statement of charges and been given an opportunity to be heard.

(6) Upon the expiration of the terms of the present board, the governor shall classify future appointments so that the terms of office of two members shall expire in one year, three members in two years, three members in three years, and three members in four years.

(7) The nursing home administrators serving on the initial board shall be required only to possess the qualifications and be eligible for licensure under this part.

(8) No member shall serve more than two consecutive full terms.

(9) Members of the board shall be entitled to reimbursement for actual expenses incurred in the performance of their official duties and shall be compensated for traveling expenses as provided in §112.061.

(10) The board shall elect annually from its membership a chairman, vice-chairman, secretary, and treasurer.

History.—§4, ch. 70-428.

468.167 Powers and duties.—

(1) It is the function and duty of the board to:

(a) Develop, impose, and enforce specific standards within the scope of the general qualifications established by this part which must
be met by individuals in order to receive licenses as nursing home administrators. These standards shall be designed to insure that nursing home administrators are individuals of good character and otherwise suitable and, by training or experience in the field of institutional administration, qualified to serve as nursing home administrators.

(b) Develop by appropriate techniques, including examinations and investigations, a method for determining whether an individual meets such standards.

(c) Issue licenses to qualified individuals meeting the standards of the board and revoke or suspend licenses previously issued by the board when the individual holding such license is determined to have failed to conform substantially to the requirements of such standards.

(d) Establish and carry out procedures designed to insure that licensed nursing home administrators will comply with standards adopted by the board.

(e) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that a licensed nursing home administrator has failed to comply with the requirements of standards adopted by the board.

(f) Conduct a continuing study and investigation of nursing homes and administrators of nursing homes in order to improve the standards imposed for the licensing of such administrators and the procedures and methods for enforcing such standards with respect to administrators of nursing homes who have been licensed as such.

(g) Consult and advise with the department of health and rehabilitative services in matters of policy affecting the administration of chapter 400 in the development of the rules and regulations as provided thereunder.

(2) The board may appoint annually an advisory council to advise and assist it in carrying out its duties and functions.

(3) The board may employ a secretary, clerks, and such other personnel as may be necessary to carry out its duties and functions.

(4) The board or any committee or member thereof, or any hearing officer designated by the board, acting in an official capacity, shall have the authority to issue subpoenas, compel the attendance of witnesses, administer oaths, and take testimony concerning all matters within the jurisdiction of the board. The board shall not be bound by the strict rules of evidence in the conduct of its proceedings, but any determinations made shall be founded upon sufficient legal evidence to sustain them.

(5) The board shall also have the authority to make rules and regulations not inconsistent with law as may be necessary for the proper performance of its duties and to take such other actions as may be necessary to enable the state to meet the requirements set forth in §1908 of Title 19 of the federal social security act as amended in 1967, Public Law 90-248.

(6) The board is authorized to accept grants and gifts from any source for the purposes of this part. Such funds will be administered through the nursing home administrators trust fund as created in §468.178 and shall be used for the purposes specified by the grantor of the grant or gift.

History.—§§, ch. 70-428; §3, ch. 73-204.

468.168 Qualifications for admission to examination.—

(1) The board shall admit to examination for a license as a nursing home administrator any candidate who desires to be licensed and submits evidence of good moral character and suitability prescribed by the board and who:

(a) Has submitted written evidence on forms furnished by the board that he has completed a course of study in nursing home administration approved by the board.

(b) Has graduated from a high school or has obtained high school equivalency approved and recognized by the educational authorities of the state in which such school is located, or a political division thereof; or has two years of practical experience in nursing home administration or three years of practical experience in a related health administration area.

(c) Has met the requirements of §468.173.

(2) After July 1, 1972, no applicant for license shall be admitted to such licensing examination unless:

(a) He has submitted written evidence on forms furnished by the board that he has completed a course of study in nursing home administration approved by the board.

(b) He has graduated from a high school or has obtained high school equivalency approved and recognized by the educational authorities of the state in which such school is located, or a political division thereof; or has two years of practical experience in nursing home administration or three years of practical experience in a related health administration area.

(c) He has met the requirements of subsection (1).

(2) After July 1, 1975, no applicant for license shall be admitted to such licensing examination unless:

(a) He has submitted written evidence on forms furnished by the board that he has completed a course of study in nursing home administration approved by the board.

(b) He has graduated from a high school approved by the educational authorities of the state in which such school is located, or a political division thereof, and has successfully completed two years of college level studies preparatory to health administration. In lieu of the post high school requirement, that he has obtained two years of practical experience in nursing home administration or four years of practical experience in a related health administration area.

(c) He has met the requirements of subsection (1).

History.—§66, ch. 70-428; §4, ch. 73-204.

*Note.—Ch. 73-21, Laws of Florida, removed the disability of non-age for persons 18 years of age and older.
468.169 Examinations.—
(1) The board shall determine the subjects of examination for applicants for licensure and specify the scope, content, and format of such examination. Periodic examinations shall be conducted by the board which shall be the same for all candidates examined at the same time. Such examinations shall include questions that will enable the applicant to demonstrate his proficiency in the principles of health, safety, and administration. Examinations may be written, oral, or unassembled or a combination of any of these methods.

(2) Examinations shall be held at least four times each year at such times and places as the board shall designate.

(3) In the event an applicant for licensure fails to pass the written examination for licensure, he shall be required to pay a fee of $50 each time he is eligible to, and elects to, sit for the examination, no part of which shall be refundable. Such fee shall be paid prior to the applicant's being eligible to retake the examination.

468.170 Licenses.—
(1) A nursing home administrator's license will be issued to any applicant who has:
(a) Successfully complied with the requirements of §468.168;
(b) Passed the examination provided for in §468.169;
(c) Complied with the administrator-in-training requirement of §468.173, when applicable;
(d) Paid a license fee of $75, no part of which shall be refunded.

(2) Such license shall be numbered and on a form provided by the board, certifying that such applicant has met the requirements of the law, rules, and regulations entitling him to serve, act, practice, and otherwise hold himself out as a duly licensed nursing home administrator.

(3) If the board finds that programs of training and instruction conducted within the state are not sufficient in number or content to enable nursing home administrators to meet requirements established pursuant to this part, it may institute and conduct, or arrange with others to conduct, one or more such programs and make provision for their accessibility to residents of this state.

(4) The board may approve programs conducted within and without this state as sufficient to meet education and training requirements established pursuant to this part.

(5) Any license issued by the board under the provisions of this section shall be under the hand and seal of the chairman and secretary of the board.

History.—§7, ch. 70-428; §5, ch. 73-204.

468.171 Registration.—
(1) Every individual who is issued a valid license as a nursing home administrator by the board under §468.170 shall immediately, upon issuance thereof, be deemed registered with the board and be issued a certificate of registration. Thereafter, such individual shall annually on July 1 apply to the board on forms provided for such purpose for a certificate of registration.

(2) Upon making an application for a new certificate of registration, the individual shall pay an annual registration fee of $75, no part of which shall be refunded. At the same time, the applicant shall submit evidence satisfactory to the board that during the annual period immediately preceding such application for registration he has attended a continuing education program or course of study as provided in the rules and regulations of the board. Any annual registration fee received after August 1 of each year shall be deemed delinquent. In the event any licensee fails to submit his certificate of renewal on or before August 1 of each year, he shall be required to pay a delinquency fee of $10 for each thirty days thereafter, for a period not to exceed twelve months, in addition to the regular renewal fee, no part of which shall be refundable. Any delinquent license over one year shall be deemed a lapsed license. To reinstate a lapsed license, the applicant shall, in addition to meeting all requirements of this section, pay a reinstatement fee of $25, no part of which shall be refundable.

(3) Upon receipt of the application for registration, the registration fee, and evidence required with respect to continuing education, the board shall issue a certificate of registration to the nursing home administrator.

(4) The license of a nursing home administrator who fails to comply with the provisions of this section and who continues to act as a nursing home administrator may be suspended or revoked by the board in accordance with the provisions of this part.

(5) A nursing home administrator who has been duly licensed and registered in this state, whose license has not been revoked or suspended, but whose registration has expired because he has temporarily abandoned the practice of nursing home administration, has moved from the state, or for other reason may register within the state upon complying with the provisions of this section for registration and filing with the board his affidavit setting forth such facts.

(6) Only an individual who has qualified as a licensed and registered nursing home administrator under the provisions of this part and who holds a valid current registration certificate pursuant to the provisions of this section shall have the right and privilege of using the title of “Nursing Home Administrator” and of using the abbreviation “N.H.A.” after his name. No other person shall use or be designated by such title, abbreviation or any other words, letters, sign, card or device tending to or
intended to indicate that he is a licensed and registered nursing home administrator.

(7) The board shall maintain a register of all applications for licensure and registration of nursing home administrators, which register will show:

(a) The date of application;
(b) The name of applicant;
(c) The date of birth;
(d) The address of applicant;
(e) The serial number of the license and of registration certificates issued to the applicant;
(f) The action taken by the board;
(g) The date on which the board reviewed and acted upon the application; and
(h) Such other pertinent information as may be deemed necessary.

History.—§9, ch. 70-428; §6, ch. 73-204.

468.172 Reciprocity.—The board, at its discretion and otherwise subject to the provisions of this part and the rules and regulations of the board prescribing the qualifications for nursing home administrator licenses, may endorse a license issued by the proper authorities of any other state upon payment by the applicant of an application fee of $25 and a registration fee of $75 and submission of evidence satisfactory to the board:

(1) That such state maintained a system and standard of qualifications and examinations for nursing home administrator licensure which were substantially equivalent to those required in this state at the time such license was issued by that state; and
(2) That such state gives similar recognition and endorsement to nursing home administrator licenses of this state.

History.—§10, ch. 70-428; §6, ch. 73-204.

468.173 Nursing home administrator-in-training.—

(1) Every applicant for a nursing home administrator license after June 30, 1972, who has otherwise qualified under provisions of §468.168 shall serve for a one year period under the full-time supervision of a duly licensed and registered nursing home administrator in an authorized nursing home in accordance with the rules and regulations of the board.

(2) The nursing home administrator-in-training shall submit quarterly reports on forms provided therefor by the board.

(3) This section shall not apply to:

(a) Any individual who has successfully completed a course of study for a masters degree in nursing home administration or in a related health care management field and who has been awarded such degree from an accredited institution of higher learning or to any other individual who has served as a nursing home administrator during all the calendar year 1969.

(4) Every nursing home administrator-in-training shall register the fact of such training with the board in accordance with the rules and regulations of, and on forms provided therefor by, the board.

History.—§11, ch. 70-428; §§7, 9, ch. 73-204.

468.174 Penalties.—It is a misdemeanor of the second degree, punishable as provided in §§775.082 or §775.083, for any person to:

(1) Sell or fraudulently obtain or furnish any license or aid or abet therein;

(2) Practice as a nursing home administrator under cover of any license or registration illegally or fraudulently obtained or unlawfully issued;

(3) Practice as a nursing home administrator or use in connection with his or her name any designation tending to imply that he is a nursing home administrator unless duly licensed and registered to practice under the provisions of this part;

(4) Practice as a nursing home administrator during the time his license or registration is suspended or revoked; or

(5) Otherwise violate any of the provisions of this part.

History.—§12, ch. 70-428; §11, ch. 71-126.

468.175 Disciplinary proceedings.—

(1) The license or registration of any person practicing or offering to practice nursing home administration, or the license of an emergency permit nursing home administrator, may be revoked or suspended, or such licensee may be reprimanded, censured, or otherwise disciplined, in accordance with the provisions of this section upon decision by the board after due hearing in any of the following cases:

(a) Upon proof that such licensee is unfit or incompetent by reason of negligence, insanity, physical or mental conditions, or other causes;

(b) Upon proof that such licensee has willfully or repeatedly violated any of the provisions of this part or the rules adopted in accordance therewith or willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the facility in which he is the administrator;

(c) Upon proof that such licensee is guilty of fraud or deceit in the practice of nursing home administration or in his admission to such practice;

(d) Upon proof that such licensee has been convicted of a felony in a court of competent jurisdiction, either within or without this state;

(e) Upon proof that such license was issued incorrectly or in error.

(2) The members of the board shall have jurisdiction to hear all charges brought under the provisions of this section against persons licensed or registered as nursing home administrators or licensed as emergency permit nursing home administrators, and upon such
hearings shall determine such charges upon their merits. If the board determines that such person is guilty of the charges, it may revoke his license or registration, suspend him from practice, or reprimand, censure, or otherwise discipline him.

(3) Proceedings under this section shall be begun by filing with the board charges in writing under oath. Such charges may be preferred by any person or by the board. Thereupon the chairman of the board shall designate three or more examiners as a hearing committee, or other qualified person as a hearing officer to hear the charges and to report to the board thereon.

(4) At such hearing the licensee shall have the right to appear either personally or by counsel or both, to produce witnesses and evidence on his own behalf, to cross-examine witnesses, and to have subpoenas issued in his behalf by the hearing committee or the hearing officer. The hearing committee or the hearing officer shall make a written report to the board of its findings and recommendations which shall be considered by the board in arriving at its decision.

(5) Members of the hearing committee or the hearing officer shall exercise any of the powers set forth in §468.167(4) as may be necessary for the proper conduct of the hearing.

(6) In lieu of the suspension or revocation of licenses or certificates, the Florida state board of examiners of nursing home administrators, after notice and hearing, may impose a fine against any licensee for violation of this part or any rule or regulation promulgated by the board. No fine so imposed shall exceed $500 for each count or separate offense, and all fines imposed or collected shall be deposited with the state treasurer to the credit of the Florida state board of examiners of nursing home administrators.

468.176 Restoration of licenses or registrations.—
(1) The board may, in its discretion, reissue a license or registration to any person whose license or registration has been revoked.
(2) Application for the reissuance of a license or registration shall not be made prior to one year after revocation and shall be made in such manner as the board may direct.
(3) If a person convicted of a felony or crime deemed to be a felony is subsequently pardoned by the governor of the state where such conviction was had or by the President of the United States or receives a certificate of good conduct granted by the parole and probation commission, the board may, in its discretion, on application of such person and on the submission of evidence satisfactory to the board, restore to such person his nursing home administrator license or registration.

468.177 Judicial review.—Any party aggrieved by a final order of the board may seek judicial review of such order by filing petition for certiorari in the appropriate district court of appeal within the time and in the manner prescribed by the Florida appellate rules.

468.178 Disposition of fees.—All fees collected by the board shall be paid into the state treasury for deposit to the nursing home administrators trust fund, herein created, and shall be administered under the provisions of §215.37.

PART VII
ELECTRICAL CONTRACTORS

468.180 Purpose.
468.181 Definitions.
468.182 Florida electrical contractors' licensing board, organization, meetings, powers, duties.
468.183 Scope of work of board.
468.184 Certification.
468.185 Business organizations.
468.186 Renewal of certificate and restoration.
468.187 Fees.

468.180 Purpose.—It is hereby declared to be the public policy of the state that in order to safeguard the life, health, property, and public welfare of its citizens, the business of electrical contracting is a matter affecting the public interest, and any person desiring to obtain a certificate to engage in the business as herein defined on a statewide basis shall be required to establish his competency and qualifications to be certified as herein provided.

468.188 Records.
468.189 Prohibited activities; penalties.
468.190 Revocation or suspension of certificate.
468.191 Disposition of fees; expenses.
468.192 Application of part VII.
468.193 Exemptions.
468.194 Licensing board to be a part of department of professional and occupational regulation.
468.182 Florida electrical contractors' licensing board, organization, meetings, powers, duties.—
(1) The Florida Electrical Contractors' Licensing Board is created.
(2)(a) To be eligible for appointment each industry member of the board shall be a citizen and resident of Florida and actively engaged in the electrical construction business as a qualified, licensed electrical contractor who holds a current certificate of competency issued by a legally constituted licensing board by examination and shall have been so engaged for a period of not less than five consecutive years before the date of his appointment.
(b) No two board members may be appointed to the board from the same congressional district, and each congressional district shall be represented thereafter before any one district has representation a second or additional time.
(3)(a) Prior to October 1, 1971, in accordance with the provisions of subsection (2) of this section, the governor shall appoint nine qualified persons to be members of the board who are primarily engaged in business as electrical contractors as set forth in subsection (2)(a) above.
(b) The terms of members of the board initially shall be as follows: Three members for one year; three members for two years; and three members for three years. All terms of office expire on June 30 of the last year of the term. As the terms of members expire the governor shall appoint a member to fill the vacancy for a term of three years, but no member shall succeed himself, and the newly appointed members shall be from a congressional district other than that represented by his immediate predecessor or by any remaining member of the board. Vacancies in the membership of the board for any cause shall be filled by appointment by the governor for the balance of the unexpired term. Members shall serve until their successors are appointed.
(4) The board shall meet semiannually and as the need presents itself. As soon as practicable after the effective date of this act the board shall meet to elect officers from its membership, whose terms shall expire on June 30 and annually thereafter. Special meetings of the board may be held as the board provides in its rules and regulations; however, it shall meet at least once in the first quarter and once in the third quarter of the year. Five members of the board shall constitute a quorum.
(5) The board is authorized to adopt rules and regulations in accordance with chapter 120 to carry out the provisions of this part. Chapter 120 governs hearings conducted by or on behalf of the board.
(6) Any member of the board or duly appointed hearing officer designated by the board may administer oaths and take testimony about all matters within the jurisdiction of the board. Chapter 120 governs hearings conducted by or on behalf of the board.
(7) The board may sue and be sued in its official name.
(8) The board shall adopt a seal for its use containing the words "Florida Electrical Contractors' Licensing Board."

468.183 Scope of work of the board.—The scope of work of the board shall be limited to work as described herein and the standards established, including examinations.
(1) To obtain a certification, an applicant shall submit to the board an application in writing on a form containing the information prescribed by the board and a statement that the applicant desires the issuance of a certificate of a specified class. The application shall be accompanied by the fee fixed by this part.

(2) Examinations shall be held at times and places within the state as the board determines, but examinations shall be held at least quarterly. Each applicant shall take and pass an objective written examination about his fitness for a certificate. Each applicant shall be examined by an objective written test of sufficient scope, except for cases of language difficulty or other impediments, as to his fitness to be granted the certificate. The passing grade shall be seventy percent, and the notice of examination shall specify such passing grade. The examination shall be made with reference to knowledge of such portions of all applicable codes or other rules, laws, or principles as may be relevant. The written examination shall be of multiple choice, fill-in, or true-false character, or may include or consist of diagrams, plans, or sketches upon or in connection with which the applicant is required to demonstrate his knowledge of circuits, installation, or the like by answering true-false, multiple choice or one word fill-in questions keyed to such diagrams, plans or sketches.

(3) Following receipt of the fee and application, the board shall investigate the financial responsibility and credit and business reputation of the applicant and of any business organization on behalf of which he proposes to engage in contracting, as well as the education and experience of the applicant. Within thirty days from the date of the examination, the board shall inform the applicant in writing whether or not he has qualified and, if the applicant has qualified, that it is ready to issue a certificate subject to compliance with the requirements of subsection (4).

(4) As a prerequisite to issuance of a certificate, the board shall require the applicant to submit satisfactory evidence that he has obtained public liability and property damage insurance in an amount to be determined by the board. Thereupon, the certificate shall be issued forthwith; however, this subsection shall not apply to inactive certificates.

(5) If an applicant for an original certificate, after having been notified to do so, does not appear for examination within one year from the date of filing his application, the fee paid by him shall be credited to the board as an earned fee. New application for a certificate shall be accompanied by another application fee fixed by this part. Forfeiture of a fee may be waived by the board for good cause.

(6) When a certificate holder desires to engage in contracting in any area of the state, as a prerequisite therefor, he shall only be required to exhibit to the local building official, tax collector, or other authorized person in charge of the issuance of licenses and building permits in the area evidence of holding a current state certificate of competency, accompanied by the fee for the occupational license and permit required of other persons.

(7) The certificate shall not be transferable. History.—§5, ch. 71-224.

468.185 Business organizations.—

(1) When an individual proposes to do business in his own name, certification, when granted, shall be issued only to that individual.

(2) If the applicant proposing to engage in contracting is a partnership, corporation, business trust, or other legal entity, the application shall state the name of the corporation and of its officers and directors, the name of the business trust and its trustees, or the name of such other legal entity and its members, and furnish evidence of statutory compliance if a fictitious name is used. Such application shall also show that the person applying for the examination is legally qualified to act for the business organization in matters connected with its contracting business and concerning regulations to which the person is subject. Such person must possess the required skill, knowledge and experience, as evidenced by three years' proven experience in the trade or education equivalent thereto, or a combination thereof, but not more than one half of such experience may be educational equivalent, except that the board may, upon receipt of satisfactory proof of at least six years of comprehensive, specialized training, education or experience associated with the business concerned, accept such proof in lieu of other prerequisites hereinafter enumerated in this subsection, and, among other things, but not limited thereto, registration as a professional engineer shall be accepted as such proof to plan, lay out, supervise, and do the work of his trade, and who passed an examination and possesses a valid certificate of competency. The certificate, when issued upon application of a business organization, shall have the name of the qualifying individual or individuals noted thereon.

(3) At least one member or supervising employee of the business organization must be qualified under this part in order for the business organization to hold a current certificate in the category of the business conducted for which the member or supervising employee is qualified. If any individual so qualified on behalf of such business organization ceases to be affiliated with such business organization, he shall inform the board as provided in §468.188(2). In addition, if such individual is the only qualified individual affiliated with the business organization, the business organization shall notify the board of the individual's termination, and it shall have a period of sixty days from the termination of the individual's affiliation with the business organization in which to qualify another person under
the provision of this part, failing which, the certification of the business organization shall be subject to revocation by the board. The individual shall also inform the board in writing when he proposes to engage in contracting in his own name or in affiliation with another business organization, and he, or such new business organization, shall supply the same information to the board as required for applicants under this part. After an investigation of the financial responsibility, credit, and business reputation of the individual or the new business organization, upon a favorable determination, the board shall forthwith issue without charge or examination a new certificate in the individual’s name or in the name of the new business organization, as provided above.

468.186 Renewal of certificate and restoration.—

(1) Failure to renew the certificate during June shall cause the certificate to become inoperative, and it is unlawful thereafter for any person to engage or offer to engage or hold himself out as engaging in contracting under the certificate unless the certificate is restored or reissued.

(2) A certificate which is inoperative because of failure to renew shall be restored on payment of the proper renewal fee if the application for restoration is made within ninety days after June 30. If the application for restoration is not made within the ninety-day period, the fee for restoration shall be equal to the original application fee and, in addition, the board may require reexamination of the applicant.

(3) A person who holds a valid certificate from the board may go on inactive status, during which time he shall not engage in contracting but may retain his certificate on an inactive basis on payment of an annual renewal fee during the inactive period not to exceed $10 per year.

468.187 Fees.—The board shall impose the following fees:

(1) The initial application fee for a certificate shall be fixed by the board not to exceed $150 for contractors.

(2) The annual renewal fee shall be fixed by the board not to exceed one half the amount listed in subsection (1) above.

(3) Any funds received by the board from certification fees over and above the amount of the preceding year’s budget which remain uncommitted and unexpended at the end of each fiscal year shall be paid into the general revenue fund.

History—§6, ch. 71-224.

468.188 Records.—

(1) All information required by the board of any applicant for certification shall be a public record except financial information and examination grades, which are confidential and shall not be discussed with anyone except members of the board and staff. but the applicant is entitled to see his examination papers and grades.

(2) If a certificate holder changes his name, style, address, or employment from that which appears on his current certificate, he shall notify the board of the change within thirty days after it occurs.

(3) All examinations and records shall be retained by the board for a period of not less than five years from the date of the examination.

History—§9, ch. 71-224.

468.189 Prohibited activities; penalties.—

Any person who violates any provision of this part or commits any of the acts constituting cause for disciplinary action as herein set forth is guilty of a misdemeanor of the second degree, punishable as provided in §§775.082 and 775.083.

History—§10A, ch. 71-224.

468.190 Revocation or suspension of certificate.—

(1) On its own motion or the verified written complaint of any person, the board may investigate the action of any contractor certified under this part and hold hearings pursuant to chapter 120. However, when any complaint involves a contractor certified under this part for acts or omissions occurring in any area of the state which has a local board, the board shall forward the complaint to the municipality or county where the alleged violation occurred for its action. When no local board exists, the state board shall take jurisdiction. The board may take appropriate disciplinary action if the contractor is found to be guilty of, or has committed, any one or more of the acts or omissions constituting cause for disciplinary action set out herein or adopted as rules or regulations by the board.

(2) The following acts constitute cause for disciplinary action:

(a) Willfully or deliberately disregarding and violating the applicable building codes or laws of the state or any municipality or county thereof.

(b) Aiding or abetting any person to evade any provision of this part.

(c) Knowingly combining or conspiring with any person by allowing one’s certificate to be used by any uncertified person with intent to
evade the provisions of this part. When a certificate holder allows his certificate to be used by one or more companies without having any active participation in the operations or management of said companies, such act constitutes prima facie evidence of an intent to evade the provisions of this part.

(d) Acting in the capacity of a contractor under any certificate issued hereunder except in the name of the certificate holder as set forth on the issued certificate or in accordance with the personnel of the certificate holder as set forth in the application for the certificate or as later changed as provided in this part.

(e) Diverting funds or property received for prosecution or completion of a specified construction project or operation when as a result of the diversion the contractor is or will be unable to fulfill the terms of his obligation or contract.

(f) Disciplinary action by any municipality or county, which action shall be reviewed by the board before the board takes any disciplinary action of its own.

(g) Failing in any material respect to comply with the provisions of this part.

(3) The board is authorized to take the following disciplinary action:

(a) Suspend the certificate holder for all operations as a contractor during the period fixed by the board, but said board may permit the certificate holder to complete any contracts then uncompleted.

(b) Revoke a certificate.

(c) Impose an administrative fine or penalty not to exceed $500 which shall be recoverable by the board only in an action at law.

(4) After suspension of the certificate on any grounds set forth in this section the board may remove the suspension on proof of compliance by the contractor with all conditions prescribed by said board for removal of suspensions or, in the absence of such conditions, in the sound discretion of said board.

(5) After revocation of a certificate, the certificate shall not be renewed or reissued for at least one year after revocation and then only on a showing of rehabilitation of the contractor.

(6) The lapse or suspension of a certificate by operation of law or by order of the board or a court, or its voluntary surrender by a certificate holder, does not deprive said board of jurisdiction to investigate or act in disciplinary proceedings against the certificate holder.

(7) The filing of a petition in bankruptcy, either voluntarily or involuntarily, the making of a composition of creditors, or the appointment of a receiver for the business of the certificate holder may be considered by the board as just cause for suspension or revocation of a certificate.

(8) The board may restrain any violation of this part by action in a court of competent jurisdiction.

History.—§11, ch. 71-224.
the time of death of a contractor, the contract may be completed by any person even though not certified. Such person shall notify the appropriate board of his name and address within thirty days after the death of the contractor. The board shall then issue an emergency registration which shall expire upon the completion of the contract. For purposes of this subsection, and upon written approval of the board, an incomplete contract may be one which has been awarded to, or entered into by, the contractor before his death, or on which he was the low bidder and the contract is subsequently awarded to him, regardless of whether any actual work has commenced under the contract before his death.

History. — §13, ch. 71·224.

468.193 Exemptions.—This part does not apply to:

(1) A subcontractor or specialty contractor not otherwise certified under the provisions of this part whose work is limited to a specific phase of construction and whose responsibility is likewise limited to that particular phase of construction.

(2) Employees and subordinates of any person engaged in contracting who is certified to engage in contracting, if the employees do not hold themselves out for hire or engage in contracting except as an employee.

(3) An authorized employee of the United States, this state, or any municipality, county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state, as long as the employee does not hold himself out for hire or otherwise engage in contracting except in accordance with his employment.

(4) An officer appointed by a court when he is acting within the scope of his office as defined by law or court order.

(5) Public utilities, on construction, maintenance, and development work performed by their forces and incidental to their business.

(6) The sale or installation of any finished products, materials, or articles of merchandise which are not actually fabricated into, and do not become a permanent fixed part of, the structure.

(7) An owner of property making application for permit, supervising and doing the work in connection with the construction, maintenance, repair, and alteration of and addition to a single family or duplex residence for his own use and occupancy and not intended for sale.

(8) Any construction, alteration, improvement, or repair carried on within the limits of any site the title to which is in the United States, or to any construction, alteration, improvement, or repair on any project when federal law supersedes this part.

(9) Any construction or operation incidental to the construction or repair of irrigation and drainage ditches; regularly constituted irrigation districts; reclamation districts; or clearing or other work on the land in rural districts for fire prevention purposes or otherwise, except when performed by a certificate holder under this part.

(10) A registered architect, professional engineer, or residential designer acting in his professional capacity or any person exempted by law in the chapters regulating architects and professional engineers.

(11) Any person who only furnishes materials or supplies without fabricating them into, or consuming them in the performance of, the work of the contractor.

(12) Any person as defined and licensed under chapter 527.

History.—§14, ch. 71·224.

468.194 Licensing board to be a part of the department of professional and occupational regulation.—Notwithstanding anything contained in this part to the contrary, the electrical contractors' licensing board created by this part is deemed to be a part of the department of professional and occupational regulation, division of occupations, and the relationship between the board and the department of professional and occupational regulation shall be the same as provided in §20.30 for the other examining and licensing boards attached to the department of professional and occupational regulation.

History. — §15, ch. 71·224.
CHAPTER 469

PLUMBERS

469.01 Plumber's certificate; chapter not applicable to cities of less than seven thousand five hundred population.

469.02 Application for certificate; examination.

469.03 Board of examiners; qualifications; terms of office; compensation.

469.04 Examination of applicants; fees, etc.

469.05 Cities to provide rules for construction of all plumbing; plumbing inspector; qualification; reports to city board of health.

469.07 Penalty for violation of chapter.

469.02 Application for certificate; examination.—Any person desiring to engage in or work at the business of plumbing, either as a master plumber or employing plumber or as a journeyman plumber, shall first receive a certificate thereof in accordance with the provisions of this chapter.

469.03 Board of examiners; qualifications; terms of office; compensation.—There shall be in every city of seven thousand five hundred inhabitants or more, a board of examiners of plumbers, consisting of three members, one of whom shall be chairman of the board of health; a second member, who shall be a master plumber, and a third member, who shall be a journeyman plumber. Said second and third members shall be appointed by the appointing power of said city or town as provided by charter or ordinance for the term of one year from the first day of January in the year of appointment, thereafter annually before the first day of January, and shall be paid from the treasury of said city the same as other officers, in such sum as the authorities may designate.

469.04 Examination of applicants; fees, etc.—The board shall, as soon as may be after their appointment, meet, and shall then designate the times and places for examination of all applicants desiring to engage in or work at the business of plumbing within their respective jurisdiction. Said board shall examine said applicants as to their practical knowledge of plumbing, house drainage, and plumbing ventilation, and, if satisfied with the competency of such applicants, shall thereupon issue a certificate to such applicant authorizing him to engage in or work at the business of plumbing, either as master plumber or employing plumber, or as a journeyman plumber. The maximum fee for a master plumber or employing plumber shall be twenty-five dollars, and for a journeyman plumber shall be fifteen dollars. Said certificate shall be valid for the term of one year, but the same may be renewed if application for renewal is made to said board not less than thirty days before the expiration of said certificate. The fee for renewals shall be one dollar. All moneys paid for said certificates or for renewals shall be retained by the city or town treasury for the use of said city or town.

469.05 Cities to provide rules for construction of all plumbing; plumbing inspector; qualification; reports to city board of health.—(1) All cities or towns in this state shall, within the provisions of this chapter, provide by ordinance, rules and regulations for the construction and maintenance of all plumbing and drainage placed in or on any building or the premises thereof in such city or town, and no work of this character shall be done unless a permit be issued therefor, excepting the repairing of leaks. The term plumbing as used in this section shall not include the installation and maintenance of portable water softening units and no ordinances, rules or regulations adopted by cities or towns shall prevent the installation and maintenance of portable water softening units by licensed operators of water softening services.

(2) Said cities or towns shall provide for the appointment or election of a plumbing inspector and such assistants as are necessary, but said inspector and assistants must be practical plumbers of not less than ten years' experience, who shall see that all rules and regulations touching plumbing are faithfully and diligently observed and executed.

(3) The plumbing inspector shall preside at all meetings of the examining board of plumbers and shall have the deciding voice and vote in all matters connected with the examination of applicants and granting of certificates, whenever the remaining members of said board are unable to agree. The plumbing department of every city or town embraced in this chapter, consist—